

PROFFERS

PCA 91-W-023
October 16, 1997

*Indicates original 1991 proffer has
been modified

**Indicates a new proffer

Pursuant to Section 15.1-491 (a), Code of Virginia, as amended, subject to the Board of Supervisors' approval of PCA 91-W-023, the applicant, the Board of Supervisors of Fairfax County ("the applicant"), proffers that the development of the subject property shall be in accordance with the following conditions:

- *1. Subject to the provisions of Section 16-403 of the Zoning Ordinance, development of the application property shall be in conformance with the CDPA prepared by Vitetta Group and Patton Harris Rust Associates dated December 1996, and revised September 8, 1997, and the FDPA dated December 1996, and revised September 8, 1997.
- *2. The maximum floor area ratio (FAR) as shown on the CDPA shall not exceed 0.85. Individual Final Development Plans may exceed 0.85 FAR, but under no circumstances shall the cumulative FAR for public uses exceed 0.85 FAR. The applicant acknowledges that commercial development, except as may be permitted on the subject property by Proffer 20, shall be subject to approval of a PCA/CDPA/FDPA by the Board of Supervisors. The FDPA for such commercial use shall specify a maximum FAR including commercial use is not to exceed a FAR of 1.0 on the Public Safety Center Complex.
3. The Adult Detention Facility shall have 105 special purpose cells/rooms (for special prisoner population classification needs such as, but not limited to, receiving, infirmary and gender classification distinctions) and 1266 general populations cells/rooms for a total design capacity of 1371 single-bunked cells/rooms. The primary purpose of this facility shall be to house prisoners involved with the judicial process and prisoners incarcerated for short sentences and convicted persons awaiting transfer to other institutions. No further expansion of cells/rooms at the Adult Detention Facility shall occur at the Massey Complex, also known as the Public Safety Center Complex.
4. The Office of the Sheriff shall prepare an Inmate Population Report and present it to the City of Fairfax on an annual basis. The report shall review population records for the previous twelve (12) months and shall review the status of all alternatives to incarceration at the subject Adult Detention Facilities. At any time, the inmate population exceeds the design capacity for the Adult Detention Facility any three (3) consecutive months, the Office of the Sheriff shall notify the Board

of Supervisors and the City Manager and City Council of the City of Fairfax and, if requested, appear at the City/County Committee meeting for the purpose of reviewing the population levels. Whenever the Sheriff projects that the Adult Detention Center's detention requirements will exceed the design capacity by 15% for any three consecutive months, he shall immediately notify the Board of Supervisors that additional detention center facilities will be required at a location other than the Massey Complex/Public Safety Center Complex and the Applicant shall immediately commence consideration of funding and planning for alternative facilities. This notification should be accomplished in sufficient time (two [2] years) to allow for the planning, funding and provision of alternative facilities. The applicant and the Office of the Sheriff shall continue to actively pursue and implement alternatives to incarceration, such as greater utilization of County lockups, for the purpose of minimizing the population at the Adult Detention Facility on the CDPA. The applicant shall ensure adequate staff for the security of the subject facilities and continue to actively pursue participation in other regional facility and/or local facility alternatives to housing prisoners at the Adult Detention Center as may be appropriate.

5. The Juvenile Detention Center shall have a maximum of 121 beds. The Youth Residential Addition to the Juvenile Detention Center shall have a maximum of twelve (12) additional beds. No further expansion of beds at the Juvenile Detention Center or Youth Residential Addition shall occur at the subject property.
6. The Independence House shall not be permitted on the subject property.
7. The applicant shall meet all Department of Environmental Management (DEM) requirements for stormwater management BMPs as set forth in the Public Facilities Manual which are in effect at the time of site plan approval. Any new stormwater management ponds which are constructed or existing stormwater management ponds which are modified shall be designed to provide ten (10) percent phosphorus removal, subject to the approval of DEM. If a stormwater management facility is required west of the Juvenile Detention Center, such facility shall be located and designed to minimize removal of existing vegetation.
8. The applicant shall provide sediment removal in excess of eighty (80) percent (up to a maximum of ninety {90} percent) for stormwater runoff from within construction limits, during clearing, grading and construction operations, subject to the approval of DEM.
- *9. FDP 91-W-023-2 was submitted for the Juvenile Detention Facilities and approved on October 31, 1994. The applicant has submitted a FDPA for the Judicial Center Expansion, and Parking Structure B and C as shown on the CDPA to the Board of Supervisors for approval. The applicant shall submit a CDPA/FDPA for the Jennings Addition Phase II.

The applicant shall meet with the City of Fairfax to review site design, building elevations and landscaping for any subsequent CDPAs and/or FDPAs. The applicant shall notify the City of Fairfax a minimum of ninety (90) days prior to submission of further expansions to the CDPA/FDPA plans for the Public Safety Center Complex.

- *10. Landscaping on the subject property shall conform to the landscaping plan submitted with the CDPA/FDPA. A detailed landscape plan identifying numbers and types of proposed plantings, and tree preservation areas shall be submitted as part of the FDP for each proposed facility. The applicant shall notify the City of Fairfax a minimum of ninety (90) days prior to submission of a landscape plan for the site plans.

At the time of site plan submission to DEM for the Judicial Center Expansion, the applicant shall update the tree preservation plan for review and approval by DEM. This plan shall provide for the preservation of specific quality trees and/or stands of trees to the extent feasible within the constraints imposed by the proposed development layout and grading. If determined feasible by DEM, the tree preservation plan will incorporate the transplanting of plant materials to designated areas within the Public Safety Center Complex. Tree preservation shall to the extent possible be used to fulfill requirements for screening and landscaping.

- *11. The applicant shall meet and coordinate with the City of Fairfax ninety (90) days prior to submission of the site plan for the Judicial Center Expansion to DEM to review the landscape plan for the Route 123 and Judicial Drive street frontages, as delineated on the FDPA for the Judicial Center Expansion and described in Proffer 26.
- *12. Tree save areas shall be preserved, as shown on the FDPs/FDPAs, subject to the approval of DEM. If during the process of site plan review, it is determined by DEM to be necessary to remove any trees previously designated to be preserved in order to locate structures, utility lines, sidewalks, or stormwater management facilities, then either of the two following substitutes for the removed trees shall be provided:
 - A. An area of additional tree save of equivalent value, as determined by DEM, may be substituted at an alternate location on the subject property. If a suitable alternate location cannot be identified on the subject property by DEM then,
 - B. The applicant may elect to replace such trees according to the directions of DEM pursuant to Part 4 of Section 12-0403 of the Public Facilities Manual.
- *13. At the time of submission of each site plan to DEM, a parking tabulation shall be included which documents the total parking required and provided on the subject property. The applicant may utilize parking spaces in excess of the minimum number of parking spaces required as determined by DEM shown on one (1) site plan, to meet the parking requirements for a subsequent site plan.

Any parking spaces in excess of the minimum number required (as described above), as determined by DEM, may also be utilized to meet landscape, and/or stormwater management, and/or Best Management Practices; however, at all times the applicant shall maintain or provide provisions for at least the minimum number of parking spaces on the property as required by the Director of DEM. Parking tabulations for the Judicial Center Expansion and Parking Structures B and C shall demonstrate, to the satisfaction of DEM, conformance to Zoning Ordinance parking requirements as tabulated on a complex-wide basis.

- *14. Prior to the issuance of the Non-RUP for the Adult Detention Center Expansion now under construction, the applicant shall complete the following transportation improvements (Refer to Exhibit A), subject to the approval of DEM:
- separate right-and-left turn lanes for westbound traffic on Page Avenue at the intersection of Judicial Drive;
 - two (2) outbound lanes at the northbound approach of the intersection of Massey Road and Page Avenue;
 - signage and speed bumps/curbs to restrict vehicular access from Parking Structure A to West Street via the access road located between the Massey Building and the Judicial Center;
 - two crosswalks at Page Avenue to connect existing sidewalks on north side with existing sidewalks on south side of Page Avenue;
 - a raised median at the northbound approach of the intersection of West Street and Route 236 (Main Street). The two outbound lanes at the northbound approach will be maintained.
- *15. The following transportation improvements shall be installed and available for use prior to the issuance of the final Non-RUP for the Judicial Center Expansion, subject to any required approvals by the City of Fairfax.
- A. Improvements to the west side of Chain Bridge Road (Route 123) at the relocated Public Safety Center Complex entrance road (Massey Drive) to add a 123 north bound left turn lane into the Public Safety Center Complex;
 - B. Improvements to the Public Safety Center Complex main entrance to allow for an out bound left turn lane and dual right out bound turn lanes;
 - C. A traffic signal with pedestrian phasing at the intersection of Chain Bridge Road and the relocated Public Safety Center Complex entrance road. Phasing and timing of this traffic signal shall be coordinated with the City of Fairfax;
 - D. A bus shelter at the southwest corner of the intersection of Chain Bridge Road and the relocated Public Safety Center Complex entrance road;
 - E. An east bound right turn deceleration lane from Main Street (Route 236) into West Street;
 - F. Improvements to the north side of Judicial Drive along the frontage of the CDPA to add one lane. Re-stripe the existing Judicial Drive pavement to allow dual east bound right turns at the intersection of Chain Bridge Road and Judicial Drive;

- G. Modify the traffic signal at the intersection of Chain Bridge Road and Judicial Drive to allow for the proposed Judicial Drive improvements;
 - H. Convert the intersection at West Street and Judicial Drive to service in bound traffic to the Public Safety Center Complex reserved parking lot only, loading area, and sallyport. Parking circulation shall be counter clockwise to allow site traffic to exit at the driveway east of the Adult Detention Center;
 - I. Eliminate on street parking on Page Avenue between West Street and the Juvenile Detention Center;
 - J. Construct a south bound right turn lane on West Street into Parking Garage "B";
 - K. Reconstruct West Street and Massey Drive south of Page Avenue as a two lane loop road as shown on the CDPA/FDPA, with additional turn lanes on the loop road at the relocated Public Safety Center Complex entrance, and no-through street parking;
 - L. Include directional signing plan for on-site circulation and for access to the existing and proposed garages as part of the site plan documents;
 - M. The applicant shall relocate and repair approximately 30 feet of the southern end of the stone retaining wall, along Chain Bridge Road in front of the Old Courthouse, to enhance the clear zone. In addition best efforts shall be made to improve the pedestrian landing at the southwest corner of Main Street and Chain Bridge Road. Such improvements need not meet ADA requirements, which will be accommodated elsewhere. If relocation of the stone retaining wall is prohibited by federal regulations governing historic properties then the applicants obligation for this proffer shall be deemed satisfied.
- *16. Pedestrian connections shall be provided generally as shown on the CDPA. A detailed pedestrian circulation plan showing pedestrian connections located interior to and immediately adjacent to the site shall be coordinated a minimum of 90 days prior to site plan submission to DEM with the City of Fairfax as to width and materials in areas adjacent to Route 123 and Judicial Drive, and shall be submitted as part of the FDP for each proposed facility. The applicant shall install such pedestrian connections prior to the issuance of the Non-RUP for the associated facility, subject to any required approvals from the City of Fairfax. In addition, best efforts shall be made to install accessible access from the southeast corner of West Street and Main Street to the sidewalk in front of the Old Courthouse.
- *17. The applicant shall continue to participate in County-wide Transportation Demand Management efforts and the County Ride Sources Program. The TDM program shall include (but is not limited to) such items as the following:
- A. Designate an on-site transportation coordinator responsible for working with public and private transportation agencies for implementing and evaluating the TDM program.

- B. Provide car pool/van pool matching services to employees. Provide ride sharing kits for employees and publicize, distribute and promote ride sharing and public transit information on-site.
 - C. Provide convenient parking in preferred locations designated for car pool/van pool use. Provide a system for monitoring and enforcing the use of car/van pool spaces.
 - D. Provide a Guaranteed Ride Home Program as provided through the Council of Governments.
 - E. Provide walking and cycling amenities (such as trails, bicycle racks and access to showers and lockers).
 - F. Promote staggered work hour programs, compressed work weeks and/or flex-time for employees.
 - G. Coordinate with the Office of Transportation Rideshare Coordinator on an as-needed basis to implement and maintain the TDM program at the Public Safety Center Complex
18. The Legato School building shall be protected and shall be interpreted as a one-room school. The Legato School will be relocated on site and as shown on the FDPA dated September 8, 1997.
- *19. Prior to the commencement of construction for the Judicial Center Expansion and Parking Structures B and C on the subject property, the applicant shall have Phase I and Phase II significance tests performed by a qualified archaeologist in coordination with the County Archaeologist, at locations determined by the County Archaeologist. If necessary, as determined by the County Archaeologist, the applicant shall have a qualified archaeologist conduct a Phase III recovery of significant archeological resources.
- *20. The public uses on the Public Safety Center Complex for both the exterior and the interior of the buildings, shall be limited to those specifically identified on the CDPA/FDPA and may include temporary community uses and activities sponsored by the Fairfax County Government and/or the City of Fairfax and other organizations such as festivals, parades, and art shows subject to the approval of the County Executive or designee.
- *21. The applicant will use best efforts to acquire any off-site right of way and/or necessary easements which may be required for conformance to Proffers 15 and 16. In the event the applicant is unable to acquire needed right of way or easement, the applicant shall request that the City of Fairfax acquire right of way or easement by means of its condemnation powers at applicant's expense. It is understood that the City of Fairfax shall be under no obligation to do so.

It is understood that the applicants request will not be considered until it is forwarded in writing to the City of Fairfax with: (1) plats, plans, and profiles (if needed) showing the necessary right of way or easement property, (2) an independent appraisal, by an appraiser not an employee of the applicant or of the City of Fairfax, of the value of the land taken, and (3) a sixty year title search

certificate of the right-of-way property to be acquired. If the City of Fairfax elects not to use its powers of eminent domain to acquire right of way or easement that is required for compliance with Proffers 15 and 16, the applicants obligation for construction of affected requirements shall be deemed satisfied.

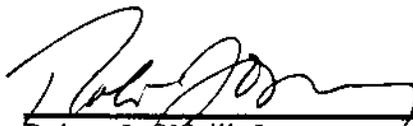
- *22. All improvements required for conformance with Proffers 15, 16, 26, and 27 as shown on the applicable FDPs shall be incorporated into the respective site plans and submitted to DEM for approval. The required approvals from the City of Fairfax will be pursued in good faith and due diligence. If, after due diligence, those approvals cannot be obtained, the improvements in proffers 15, 16, 26, and 27, requiring such approval, need not be included on the subject site plans in order to obtain DEM approval. However, if the City of Fairfax permits are not received at the time of site plan approval the improvements requiring City of Fairfax approval shall be completed upon such time as the approvals are received from the City of Fairfax.
- **23. The final site plan for the Judicial Center Expansion shall include opportunities for the placement of on-site amenities within the landscape design, such as, but not limited to: street furniture, fountains, planters, and Board of Supervisors or their designee approved public art.
- **24. The expansion of the Fairfax County Courts Complex is intended to create a unified campus by tying together the disparate architecture of the existing buildings through the use of architecture elements and building materials. As illustrated in the FDPA the building massing along Chain Bridge Road shall be articulated so as to be compatible with the Old Courthouse. This may be accomplished through the use of architectural elements such as: colonnades, porticoes, arcades, arches, divided lite windows, cornices, brick coursing and watertables. The Judicial Center Expansion shall utilize a palette of materials that are architecturally compatible and may include: brick, cast or natural stone, architectural pre-cast concrete, bronze finished metalwork, standing seam metal roofing. Irrespective of that shown on the CDPA/FDPA, the lower elevations of those building frontages immediately fronting and parallel to Judicial Drive and Chain Bridge Road shall not exceed a 40 foot height to the eave line and shall be predominately brick, in a brick color range that is similar to that of the Old Courthouse. The height of the overall building elevations parallel to Judicial Drive and perpendicular to Chain Bridge Road may exceed the 40' height as the building steps back and away from the street. The architectural elevations of the Judicial Center Expansion shall be reviewed with the City of Fairfax a minimum of 90 days prior to final site plan submission to DEM. The new Parking Structures B and C shall be constructed of architectural pre-cast concrete.
- **25. The top decks of Parking Structures B and C shall be landscaped in a similar design as the parking structure behind the Peninno and Herrity Buildings at the Government Center Complex.
- **26. Streetscape on Chain Bridge Road and Judicial Drive shall be provided in conformance with the City of Fairfax Standards and Community Appearance Plan and as shown on the FDPA. The streetscape as shown on the FDPA includes a bus shelter at the south west corner of the intersection of Chain Bridge Road and the relocated Public Safety Center Complex entrance drive, and gas street lights on Chain Bridge Road and Judicial Drive. The bus shelter and gas streetlights will be purchased and installed by the County and turned over to the City of Fairfax, at the time of Non-RUP for the Judicial Center Expansion, for all maintenance responsibilities including gas bills for the streetlights.

**27. The following transportation improvements shall be installed and available for use prior to the issuance of a Non-RUP, for future additions which are subject to a future PCA/FDPA and/or subject to any required approvals by the City of Fairfax.

- Install a traffic signal at Judicial Drive and Page Avenue, if warranted and requested by the City of Fairfax.

**28. Any proposed off-site signage, including directional signage for access to the Public Safety Center Complex, that is within the City of Fairfax shall be reviewed and coordinated with the City of Fairfax a minimum of 90 days prior to permit application to the City of Fairfax for installation approval of such signage. The review and coordination with the City of Fairfax shall include location of signage for optimum traffic pattern establishment.

In addition, any proposed on-site signage that is located along Chain Bridge Road, Judicial Drive, or Main Street shall be reviewed with the City of Fairfax a minimum of 90 days prior to final site plan submission to DEM. Signage proposed along Chain Bridge Road, Judicial Drive, or Main Street shall be compatible with the adjacent Old Town Fairfax area.



Robert J. O'Neill, Jr.
County Executive

10/17/97

Date