



# FAIRFAX COUNTY

**APPLICATION FILED:** March 10, 2006  
**PLANNING COMMISSION:** September 20, 2006  
**BOARD OF SUPERVISORS:** not yet scheduled

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V I R G I N I A

**September 6, 2006**

**STAFF REPORT**

**APPLICATION RZ 2006-SP-011**

**SPRINGFIELD DISTRICT**

**APPLICANT:** Habitat for Humanity of Northern Virginia, Inc.

**PRESENT ZONING:** R-1 and Water Supply Protection Overlay District (WS)

**REQUESTED ZONING:** R-20 and Water Supply Protection Overlay District (WS)

**PARCELS:** 56-2 ((3)) 2

**ACREAGE:** 0.51 acres

**RESIDENTIAL DENSITY:** 17.7 dwelling units per acre (du/ac)

**OPEN SPACE:** 35%

**PLAN MAP:** Fairfax Center Area; Residential @ 20 du/ac at the overlay level

**PROPOSAL:** To rezone from the R-1 to the R-20 District to permit the construction of a 9-unit multi-family building.

**STAFF RECOMMENDATION:**

Staff recommends approval of RZ 2006-SP-011, subject to the execution of proffers consistent with those contained in Appendix 1.

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**Department of Planning and Zoning**

Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of a waiver of the transitional screening and barrier requirements along the eastern boundary.

Staff recommends approval of a waiver of the service drive requirement along Lee Highway (Route 29).

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

For additional information, call the Zoning Evaluation Division, Department of Planning and Zoning at 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035, (703) 324-1290 TTY 711 (Virginia Relay Center).



**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

**Proposal:**

The applicant, Habitat for Humanity of Northern Virginia, Inc., requests approval to rezone 0.51 acres from the R-1 District to the R-20 District to permit the construction of a three-story, multifamily building to provide nine affordable dwelling units. The proposed development would have an overall density of 17.7 dwelling units per acre, with 35% of the site retained as open space. The applicant’s draft proffers, affidavit, and statement of justification are included in Appendices 1, 2 and 3, respectively.

**Waivers Requested:**

Waiver of barriers and transitional screening along the eastern boundary of the site.

Waiver of the minimum district size of 4 acres.

Waiver of the service drive requirement along Lee Highway (Route 29).

**LOCATION AND CHARACTER**

**Site Description:**

The 0.51-acre property is located at 1130 Lee Highway (Route 29), at its intersection with Stevenson Street. The site is presently vacant and consists mostly of open field. There is no Environmental Quality Corridor (EQC) or Resource Protection Area (RPA) encumbering the property. The Westbrook Condominiums, comprising 14 multifamily buildings on property zoned R-20, bound the property on its northern and western sides. The eastern and southern boundaries of the property are bounded by Stevenson Street and Lee Highway, respectively. Although no other Habitat for Humanity properties are contiguous to the subject property, the organization has other projects in the immediate vicinity.

**Surrounding Area Description:**

	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Westbrook Condominiums	PDH-20	Residential Fairfax Center, residential, 20 du/ac @ overlay level
<b>South</b>	Lee Hwy; then Mobile Home Park	R-MHP	Residential Fairfax Center, residential, 20 du/ac @ overlay level

	Use	Zoning	Plan
<b>East</b>	Stevenson St; site recently approved for townhouses	R-12	Residential Fairfax Center, residential, 20 du/ac @ overlay level
<b>West</b>	Westbrook Condominiums	PDH-20	Residential Fairfax Center, residential, 20 du/ac @ overlay level

**BACKGROUND**

There have been no previous rezoning, special exception, or special permit applications filed on this parcel.

**COMPREHENSIVE PLAN PROVISIONS**

- Plan Area:** Area III
- Planning Sector:** Fairfax Center Area Land Unit Q, Sub-unit Q-10
- Plan Map:** Fairfax Center
- Plan Text:**

In the Fairfax County Comprehensive Plan, 2003 Edition, Area III, Fairfax Center Area, as amended through May 15, 2003 Land Unit Q, Sub-unit Q10, page 91 states:

***Sub-unit Q10***

*Should this sub-unit be redeveloped, it is planned for residential use at 20 dwelling units per acre at the overlay level. Residential development on the balance of this site should provide sufficient land for open space and on-site recreation facilities. Parcels should be consolidated to the greatest extent possible and developed in a cohesive, unified design. Substantial buffering of these residential units should be provided along Route 29 and the east-west subconnector road.*

The Land Unit Summary Chart is as follows:

<b>Land Use Summary Chart</b>	
Baseline	Residential use at 1 du/ac
Intermediate Level	Residential use at 10 du/ac
Overlay Level	Residential use at 20 du/ac

## ANALYSIS

### **Generalized Development Plan (GDP) (Copy at front of staff report)**

**Title of GDP:** Generalized Development Plan, Habitat for Humanity, Stevenson Street West Property, Fairfax Virginia

**Prepared By:** Burgess & Niple

**Original and Revision Dates:** January, 2006, as revised through August 15, 2006

### **Plan Description:**

The GDP comprises three sheets. Sheet 1, the Cover Sheet, contains zoning requirements of the R-20 District, site tabulations, a preliminary stormwater management narrative, a vicinity map, general notes, and a sheet index.

Sheet 2 is divided into two parts, with the left side of the page illustrating the existing conditions on the site. Except for several trees along the western and northern boundaries, most of the site consists of open field. Four trees in either "fair" or "dying" condition are proposed for removal. As noted, the entire site is comprised of orange soil type (59), which is characterized by poor drainage, infiltration, and foundation support, as well as naturally occurring asbestos.

On the right side of the page, the proposed layout of the site is depicted. The southern third of the site, approximately 0.13 acres located adjacent to Lee Highway, is shown to be dedicated for public street purposes. Within this right-of-way, the applicant has shown a 10-foot wide trail. (A proffer to build the trail in a location to ultimately be determined by DPWES at the time of site plan approval has been included.) A sidewalk is shown along the Stevenson Street frontage to the east, where vehicular access to the site is provided. This access adjoins a parking lot containing 17 parking spaces, which separate the proposed building from Lee Highway. A bioretention facility to meet stormwater management (SWM) and best management practices (BMP) requirements is located in the buffer area between Lee Highway and the proposed parking lot. The proposed locations of four light poles is shown around the parking lot.

On the northern portion of the site, the three-story multifamily building is shown with a maximum height of 40 feet and oriented towards Lee Highway. A trellis for climbing vines is shown parallel to the eastern side of the structure. Adjacent to the trellis is a bench and a trash receptacle. The perimeter of the site is landscaped with a mixture of various deciduous and evergreen plantings. (The applicant is requesting a waiver of the transitional screening requirement on the eastern boundary.) In addition to this diagram, a landscape legend, a cross-section of the SWM/BMP facility, and angle of bulk plane diagrams are shown.

Sheet 3 contains stormwater management information and conceptual building design elevations. As shown, the proposed architecture is similar to that of the existing Westbrook Condominiums laying immediately to the west and to the north.

To provide a more finished face to Route 29, the proposed building is shown to be comprised of brick on the ground floor and siding on the upper floors. The remaining sides of the building will be also be siding. Planting beds with shrubs are shown along the perimeter of the building.

## COMPREHENSIVE PLAN ANALYSIS

The Comprehensive Plan recommends residential development at 10 dwelling units per acre at the intermediate level, or 20 dwelling units per acre at the overlay level. Further language recommends that: residential development provide for open space and on-site recreation facilities; parcels be consolidated to the greatest extent possible and developed in a cohesive manner; and residential units be buffered from Route 29. The applicant has proposed a development at 17.7 du/ac, which is at the overlay level of the plan. Due to the small size of the site and the limited number of units to be constructed (nine), no on-site recreation is being proposed. Nevertheless, 35% of the site will be designated as open space. Being the last remaining undeveloped parcel in the area, the applicant has no opportunity for consolidation. The development offers a cohesive, unified design necessitated by the size of the site, which has been designed to complement the architecture of neighboring multi-family housing. To buffer the units from noise generated by Lee Highway, the applicant has proffered to utilize building construction techniques that achieve interior noise levels of approximately DNL 45 dBA. For these reasons, Staff believes the proposal meets the overall recommendation of the Plan.

### **Fairfax Center Checklist Analysis** (Appendix 14)

The Fairfax Center Checklist is a tool utilized by staff in evaluating zoning applications within the Fairfax Center Area for conformance with the Comprehensive Plan. There are transportation, environmental, site design, land use and public facilities elements on the Checklist.

At the Overlay Level, the Comprehensive Plan recommends a density of up to 20 du/ac for this area. The applicant proposes a density of 17.7 du/ac. In order to justify the Overlay Level, the application must satisfy:

- ⦿ All applicable basic elements;
- ⦿ All applicable major transportation elements;
- ⦿ All essential elements; and
- ⦿ Either three-fourths (75%) of the applicable minor elements *and* one-half (50%) of the applicable major elements; or all applicable minor elements and one-third (33%) of the major elements.

In staff's evaluation, the application satisfies 79% of the applicable basic elements; all major transportation elements; 91% of the essential elements; all of the applicable minor elements, and all of the major elements. Therefore, staff feels that the application justifies development at the Overlay Level.

**RESIDENTIAL DEVELOPMENT CRITERIA** (Appendix 15)

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 15.

***Site Design*** (Development Criterion #1)

This criterion requires that the development proposal address consolidation goals of the Plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The application property includes the last remaining parcel on the western side of Stevenson Street. Due to the constraints imposed by the small size of the site after right-of-way dedication, only pedestrian interparcel connection with the adjacent property is possible. Vehicular access has been provided via Stevenson Street, thereby avoiding an additional curb cut on Lee Highway.

The development should provide for a logical design with appropriate relationships within the development, including appropriately oriented units. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible. The applicant has provided a multifamily building of affordable dwelling units in conformance with Comprehensive Plan recommendations. The proposed structure is similar in layout and design to the adjacent residential development to the west and north, and is oriented towards Lee Highway. Utility connections are shown on the GDP.

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided. The applicant has provided 35% open space, which is in excess of the required 30% open space for the R-20 District. The open space includes buffer strips along the perimeter of the property that have been landscaped with evergreen and deciduous trees and shrubs.

***Neighborhood Context*** (Development Criterion #2)

While developments are not expected to be identical to their neighbors, this criterion states that they should fit in the fabric of the area. The proposed project fits into a neighborhood that is overwhelmingly comprised of multifamily development. The property would directly abut the Westbrook Condominiums to the north and west, which are also zoned PDH-20. Furthermore, the elevations included in the GDP are reflective of Westbrook's architecture.

***Environment*** (Development Criterion #3; See Appendices 4, 5 & 12)

This criterion requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. The majority of

the property has been previously cleared and maintained as an open field. The entire site is characterized by the Orange soil type, which is noted for poor infiltration, poor drainage and poor foundation support. Staff has encouraged the applicant to perform a geotechnical evaluation in order to assess the extent to which the soil may affect development, however, the applicant has not proffered to do so. Nevertheless, if necessary, one will be required at the time of site plan. As noted in the Fairfax County Health Department analysis contained in Appendix 5, Orange soils also have a high probability of containing asbestos. Therefore, the applicant has proffered to submit a Compliance Plan to the Health Department for review and approval to control the potential release of asbestos from the soil prior to commencing any construction that will disturb the soils and bedrock. The applicant has also proffered to utilize construction techniques to mitigate noise impacts to a level of approximately DNL 45 dBA; and to meet the lighting standards of Article 14 of the Zoning Ordinance. Finally, stormwater management will be addressed with a bioretention facility that will meet both detention and best management practices requirements (see Appendix 12).

***Tree Preservation & Tree Cover Requirements (Development Criterion #4; Appendix 6)***

This criterion states that all developments should take advantage of existing quality tree cover to meet the Public Facilities Manual (PFM) requirements; and that, where feasible, utility crossings should be located so as not to interfere with proposed tree save areas. Vegetation on the site is sparse. As noted in Urban Forest Management's memo, only two trees on the site are worthy of preservation. However, due to the development constraints posed by the small size of the site, both trees are proposed for removal. The applicant has proffered to have an arborist walk the limits of clearing grading with Urban Forest Management to determine where adjustments to the limits of clearing and grading can be made in order to increase tree survivability along the perimeter of the site; and to provide protective fencing around any trees proposed for preservation. It should be noted that the GDP does not address tree cover calculations. However, the applicant has proffered to meet minimum tree cover calculations at the time of site plan review. The applicant has proffered to submit a landscaping plan for review and approval by Urban Forest management at the time of site plan to provide the additional tree cover and landscaping depicted on the GDP. Finally, the utilities shown on the GDP are located so as not to interfere with trees proposed to be saved along the site's boundaries.

***Transportation (Development Criterion #5; Appendix 7)***

This criterion requires that new development provide safe and adequate access to the surrounding road network; that transit and pedestrian travel be encouraged; and that the interconnection of streets also be encouraged. The GDP shows a significant dedication of 0.13 acres, or about 25% of the subject property, for the future expansion of Lee Highway. This dedication area coincides with the existing right-of-way on the adjacent property to the west. As previously mentioned, vehicular access is provided on Stevenson Street, thereby reducing direct access onto Lee Highway. The GDP shows a sidewalk along the Stevenson Street frontage; and a 10-foot wide trail along the Lee Highway frontage to align with the existing trail to the east. The applicant has also proffered the necessary \$9,477 contribution (\$1053/du) to the Fairfax Center Road Fund.

***Public Facilities (Development Criterion #6)***

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be mitigated through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Below is the impact of the proposal on each public facility, and how the impact has been mitigated. (Specific Public Facilities issues are discussed in detail in Appendices 8-14.)

***Sanitary Sewer Analysis (Appendix 8)***

The application properties are located in the Accotink Creek (M-0) Watershed, and would be sewer into the Norman M. Cole, Jr. Pollution Control Plant. An existing 8-inch pipe adequate for the proposed use is located in an adjacent easement, at Stevenson Street, and at Lee Highway, approximately 150 feet, 40 feet, and 20 feet from the property, respectively.

***Fairfax Water (Appendix 9)***

The subject property is located within the City of Fairfax Water Service Area. According to the municipality's staff, adequate domestic water service is available at the site.

***Fire and Rescue (Appendix 10)***

The application property is serviced by the Fairfax County Fire and Rescue Department Station # 440, Fairfax Center. It currently meets fire protection guidelines.

***Fairfax County Public Schools (Appendix 11)***

Enrollment in Fairfax High School is currently slightly below capacity. Enrollment in Greenbrier East Elementary and Lanier Middle School is currently above capacity. Only enrollment in Greenbrier East Elementary has been projected to be above capacity by the 2009-2010 school year, although a recently adopted boundary adjustment related to the opening of West Fairfax Elementary will relieve this deficiency. The proposed application is projected to generate a total of one elementary school student over what could be anticipated under the current zoning. An appropriate contribution would be \$7,500. The applicant has proffered to contribute \$7,500 for use in the schools serving this development.

***Stormwater Management (Appendix 12)***

The analysis notes that stormwater management will be addressed by a bioretention facility that will meet both detention and best management practices requirements. In the event that the soils on the site are found to have a poor infiltration rate, this facility may be designed with an under drain system.

*Fairfax County Park Authority (Appendix 13)*

The Fairfax County Park Authority did not make any requests of the applicant.

***Affordable Housing (Development Criterion #7)***

Criterion 7 states that a goal of the County is to ensure an adequate supply of housing for low- and moderate-income families, those with special accessibility requirements, and those with other special needs. Satisfaction of this criterion may be achieved by the construction of units, contribution of land, or by a contribution to the Housing Trust Fund. The applicant has proffered that all nine of the proposed units provide affordable home ownership opportunities in accordance with Habitat for Humanity of Northern Virginia guidelines. Therefore, this criterion has been satisfied.

***Heritage Resources (Development Criterion #8)***

Criterion 8 requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. There are no known historical resources on the application property.

**ZONING ORDINANCE PROVISIONS**

Bulk Standards (R-20 Zoning for Multifamily Affordable Units)		
Standard	Required	Proposed
Minimum Lot Size	4 acres	.51 acres
Building Height Maximum	90 feet	40 feet
Front Yard	20° ABP but not less than 15 feet (or 15 feet minimum)	20 feet
Side Yard	15° ABP but not less than 10 feet (or 11 feet minimum)	14 feet
Rear Yard	20° ABP but not less than 20 feet (or 15 feet minimum)	25 feet
Open Space	20%	35%
Parking Spaces	1.6 space/unit (9 units x 1.6 = 15 spaces)	17 spaces
<b>Transitional Screening &amp; Barrier</b>		
North (PDH-20 Zoning)	none	
East (R-12 Zoning)	Transitional Screening 1; Barrier A or B	Waiver
South (R-MHP Zoning)	none	
West (PDH-20 Zoning)	none	

## **Waivers and Modifications**

### Waiver of Transitional Screening

The applicant requests a waiver of the transitional screening and barrier requirements along the eastern property boundary in favor of that shown on the GDP.

Par. 5 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the adjoining land is designated in the adopted Comprehensive Plan for a use that would not require transitional screening to be provided by the subject property. To the east, the property is zoned R-12 and is planned for residential uses under the same plan language as the subject property (up to 20 du/ac at the overlay level). The applicant proposes to provide a 14-foot wide strip of evergreen plantings. Because the land to the east is planned for a density which is compatible with the proposal, and would not then require transitional screening or barriers, Staff supports the requested waiver to that shown on the GDP.

### Waiver of the Minimum District Size

The applicant requests a waiver of the 4-acre minimum district size to allow a 0.51-acre parcel to be rezoned to the R-20 District. In this case, staff feels the request is appropriate because the proposal requests to develop the last remaining parcel between Stevenson Street and the Westbrook Condominiums to the west. There are no contiguous lots that could be consolidated.

### Waiver of the Service Drive

The applicant requests a waiver of the service drive requirement along Lee Highway (Route 29). Due to the fact that the surrounding properties are developed without service drives, thereby precluding any connections, staff supports this waiver.

## **Summary of Zoning Ordinance Provisions**

All applicable Zoning Ordinance Provisions have been satisfied.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

In staff's evaluation, the applicant's proposal to rezone 0.51 acres from the R-1 to the R-20 zoning district to develop nine affordable housing units is in harmony with the Comprehensive Plan and in conformance with all applicable Zoning Ordinance standards. The subject property is planned for residential use at 20 dwelling units per acre at the overlay level; and staff believes the applicant has provided a design in keeping with the pattern of development in the area, in particular, with the existing Westbrook Condominiums to the north and west.

## **Staff Recommendations**

Staff recommends approval of RZ 2006-SP-011, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of the waiver of transitional screening and barrier requirements along the eastern property boundary, in favor of that shown on the GDP.

Staff recommends approval of a waiver of the service drive requirement along Lee Highway (Route 29).

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Environmental Analysis
5. Health Department Analysis
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Sanitary Sewer Analysis
9. Water Service Analysis
10. Fire and Rescue Analysis
11. Schools Analysis
12. Environmental and Site Review Division (DPWES)
13. Park Authority Analysis
14. Fairfax Center Checklist
15. Residential Development Criteria
16. Glossary of Terms

PROFFERS  
RZ 2006-SP-011  
August 30, 2006

Pursuant to Section 15.2-2303(A), Code of Virginia (1950), as amended, Habitat for Humanity of Northern Virginia, Inc, ("Owner" or "Applicant"), a Virginia non-stock corporation, as the owner of Tax Map No. 56-2((3))-2 (the "Subject Property"), for itself and its successors and assigns, hereby proffers to develop the Subject Property in accordance with the following conditions, provided that the Board of Supervisors rezones the Subject Property to the R-20 and WS Zoning Districts for the development of nine (9) multi-family dwelling units.

1. GDP. Development of the Subject Property shall be in substantial conformance with the generalized development plan entitled "Generalized Development Plan Multi Family Residence Habitat for Humanity Stevenson Street", consisting of three (3) sheets, prepared by Burgess & Niple, dated November, 2005, and revised through August 15, 2006 (sheet one indicates a date of Aug. 17, 2006) (the "GDP"). Minor modifications to the GDP shall be permitted as determined by the Zoning Administrator in accordance with Section 18-204 (5) of the Fairfax County Zoning Ordinance (the "Zoning Ordinance") The Applicant reserves the right to make minor adjustments to the layout provided that any adjustments are in substantial conformance with the GDP. The Subject Property shall be developed in accordance with Habitat for Humanity guidelines.

2. Architecture.

(A) The Illustrations for the front elevation, side elevations, and rear elevation shown on Sheet 3 of the GDP are provided to show the design intent for the proposed multifamily building. The elevations of the building shall be generally consistent with the character and quality shown on these Illustrations. Specific features, such as the exact location and size of windows, doors, shutters, roofline, and the final design are subject to modification by the Owner upon final engineering and final architectural review.

(B) The development shall include the following elements:

(1) The Owner shall provide high quality lighting fixtures in the parking area , at the approximate locations indicated on the GDP and in accordance with a lighting plan to be reviewed and approved as part of site plan approval. Any exterior lighting shall comply with the applicable performance standards in Article 14 of the Zoning Ordinance.

(2) The Owner may construct a small monument style entrance feature. The height and dimension shall be in conformance with Article 12 of the Zoning Ordinance. Any lighted entrance feature shall be lit in accordance with the performance standards in Article 14 of the Zoning Ordinance.

3. Tree Preservation and Landscaping.

(A) The Owner shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting during site plan review, and, if requested by the Urban Forest Management (“UFM”), the Owner shall employ an arborist to assist the owner on landscaping matters. Before or during the pre-construction meeting, any Owner’s arborist, or other representative, shall walk the limits of clearing and grading with a representative of the UFM to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, both on- and off-site, and such adjustment shall be implemented. For any trees proposed for preservation, the Owner shall provide tree protection fencing during construction of the improvements contemplated by the GDP in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM. Any tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Any tree to be removed by the Owner shall be removed in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done causing as little disturbance as possible to any adjacent trees and associated understory vegetation and soil conditions.

(B) The Owner shall submit a landscape plan for review and approval by Urban Forest Management at Site Plan review to provide the additional landscaping as shown on the Landscaping Plan on Sheet 2 of the GDP. At site plan review, the Owner will show on the site plan the development’s compliance with the tree cover requirements of the Zoning Ordinance.

4. Energy Efficiency All residential units constructed on the Subject Property shall meet the thermal standards of the CABO Model Energy Program of energy efficient homes, or its equivalent, as determined by DPWES, for either electrical or gas systems.

5. Transportation; Trail.

(A) The Owner shall dedicate and convey in fee simple to the Board of Supervisors right-of-way (the “dedication area”) along Lee Highway frontage of the Subject Property for public street purposes, as shown on the GDP. Such dedication and conveyance shall be made upon demand by Fairfax County or VDOT, or at the time of site plan approval, whichever occurs first, subject, however, to Section 7(B) or these proffers. All density related to such dedication is hereby reserved pursuant to paragraph 4 of Section 2-308 of the Zoning Ordinance.

(B) It is expressly understood that the dedication area shall be used for parking of construction vehicles, and storage of construction materials, during the construction of the building described on the GDP, which shall be confirmed in writing by VDOT at the time of dedication. If such written confirmation cannot be obtained from VDOT at the time of final site plan approval, that shall not delay final site plan approval and the dedication shall then be deferred until the end of construction of the Building and not later than bond release for the development of the Subject Property.

(C) At the time of final site plan approval, the Owner shall make a contribution in accordance with the Fairfax Center Area Roadway contribution formula adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses as determined by the Office of Transportation and DPWES. This contribution is currently specified to be \$1,053 per dwelling unit.

(D) The Owner shall construct a 10-foot wide trail within the right-of-way along the Route 29 frontage, as shown on the GDP, with the final location to be determined by DPWES.

6. Schools. The Owner shall contribute the sum of \$7,500 to the Board of Supervisors for capital improvements to the schools in the vicinity of the Subject Property. This contribution shall be made at the time of the final site plan approval.

7. Hours of Construction; Storage.

(A) Construction activity for the installation of site improvements and construction of single family attached dwelling units shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

(B) Construction activity on Sundays shall be limited to interior work only and to the hours between 7:00 a.m. and 7:00 p.m.

(C) As provided in Section 7(B) of these Proffers, construction vehicles shall, during the development and construction of the project, park on the Subject Property, including the dedication area. Owner shall direct the Habitat for Humanity volunteers to use these areas, and the public street parking spaces on Stevenson Street, for parking during the development and construction and direct such volunteers to not park on the private streets within the Westbrook Condominium.

8. Homeowners Association or Condominium Association.

The Owner shall establish a homeowners association or condominium association (“Association”) for the proposed development to own, manage, and maintain any open space or common elements and to be responsible for any maintenance obligations relating to open space.

9. Blasting If blasting is required in connection with development of the Subject Property, the Owner will insure that blasting is done in accordance with Fairfax Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats. All recommendations of the Fire Marshal shall be implemented.

In addition, the Owner shall comply with the following if blasting is required:

(A) A professional consultant shall be retained by the Owner to perform a pre-blast survey of each house or residential building located within two hundred fifty (250) feet from the boundary of the Subject (properties within these potentially affected areas are referred to as the “survey areas”). The survey shall also list the tax map parcel numbers of properties within the survey areas. The inclusion of a dwelling in the survey area shall be subject to permission from each owner to enter onto such owner’s property to perform the survey work. The Owner shall provide written confirmation to DPWES that the survey has been completed (and identify any owners who declined to allow entry) and include a copy of the survey. Copies of the survey shall also be provided to the owners of properties within the survey area, which may be provided by e-mail or other electronic transmission. The cost of the consultant to carry out the actions set forth in this Proffer shall be borne by the Owner.

(B) The consultant shall request in writing from the owner of each property within the survey areas access to each house, building, swimming pool, or well that are located within the survey areas to determine the pre-blast conditions of these structures. The consultant will be required to give adequate notice of the scheduling of the pre-blast survey, not less than 15 days advance notice. All owners of structures entitled to pre-blast inspections shall be provided with the name, address, and phone number of the blasting contractor’s insurance carrier.

(C) The consultant shall be required to place seismographic instruments prior to blasting to monitor the shock waves. Seismographic monitoring records shall be provided to County agencies upon their request.

(D) The owners of residences within 250 feet of the boundary of the Subject Property shall be notified at least ten (10) days prior to blasting, by certified mail return receipt requested and by regular mail, and copies will be provided to DPWES. No blasting shall occur until such notice has been given.

(E) Upon receipt of a claim of actual damage resulting from said blasting, the consultant shall respond within ten (10) days by meeting at the site of the alleged damage to confer with the property owner and for the consultant to document the damage alleged. Any owner of a structure may of course document on their own any damage they contend was caused by the blasting on the Subject Property. Any verified claims for damage due to blasting shall be expeditiously resolved.

(F) Blasting subcontractors shall be required to maintain necessary liability insurance to cover the costs of repairing any damages to structures that are directly attributable to the blasting activity.

(G) The consultant shall be required to provide an analysis of the potential for gas migration from the site to the Fire Marshal for review and approval prior to blasting, and appropriate mitigation or notification as determined by the Fire Marshal shall be implemented.

10. Noise.

(A) Fairfax County data indicates that all of the residential units to be constructed on the Subject Property will be located within a noise contour of 65 dBA to 70 dBA, and this noise contour exists within an area approximately 370 feet from the centerline of Lee Highway. In order to achieve interior noise level for residential units of approximately DNL 45 dBA within this noise contour, residential units within this noise contour shall be constructed with the following acoustical treatment measures:

a. Exterior walls shall have a laboratory sound transmission class (“STC”) rating of at least 39.

b. Glazed areas, including doors and windows, shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any facade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20% of an exposed facade, then the windows shall have a STC rating of at least 39.

c. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (“ASTM”) to minimize sound transmission.

(B) The applicant may elect to have a refined acoustical analysis performed, subject to approval of DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units or portions thereof may have sufficient shielding from vegetation and/or other structures to permit a reduction in the mitigation managers prescribed above, or to determine minimum STC ratings for exterior walls, windows, and doors.

11. Asbestos. The Applicant shall comply with DPWES standards should it determine that there a potential health risk exists during development of the Subject Property due to the presence of asbestos-containing rock on the Subject Property. The Applicant shall:

(A) Submit a Compliance Plan for controlling the potential release of asbestos from natural mineral deposits to the Health Department for approval prior to commencing any construction that will disturb the soils and bedrock.

(B) Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks, and

(C) Commit to appropriate construction techniques as determined by DPWES in coordination with the Health Department to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal.

12. Miscellaneous. These Proffers shall bind and inure to the benefit of the Owner and successors and assigns. These Proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but the same instrument.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Signature Page to Proffers  
RZ 2006-SP-011

OWNER:  
HABITAT FOR HUMANITY  
OF NORTHERN VIRGINIA, INC.

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

[FINAL PAGE]