



APPLICATION ACCEPTED: February 7, 2006
PLANNING COMMISSION: November 29, 2006
BOARD OF SUPERVISORS: December 4, 2006 @ 3:30 p.m.

County of Fairfax, Virginia

November 16, 2006

STAFF REPORT

APPLICATION RZ 2006-PR-008

PROVIDENCE DISTRICT

APPLICANT:	Chalice Crest, L.C.
PRESENT ZONING:	R-1
REQUESTED ZONING:	R-5
PARCEL(S):	48-4((1)) 44
ACREAGE:	3.72 acres
DU/AC:	3.77 du/ac
OPENSOURCE:	46%
PLAN MAP:	Residential; 3-4 du/ac
PROPOSAL:	Rezone 3.72 acres from the R-1 District to the R-5 District to permit the development of a maximum of fourteen (14) single-family attached dwellings.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2006-PR-008 subject to the proffers contained in Appendix 1.

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

Staff recommends approval of the modification of the service drive requirement along Arlington Boulevard.

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Department of Planning and Zoning

Zoning Evaluation Division
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Fairfax, Virginia 22035-5509
Phone 703 324-1290
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Staff recommends approval of the waiver of the countywide trail requirement along Arlington Boulevard in favor of the sidewalk shown on the GDP.

Staff recommends approval of the waiver of the construction of a third lane along Arlington Boulevard subject to the proposed proffers.

Staff recommends that the Board of Supervisors direct the Director of DPWES to approve the waiver of the interparcel access requirement to the east.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Chalice Crest L.C., is seeking to rezone 3.72 acres from the R-1 (Residential, one dwelling unit/acre) District to the R-5 District to permit development of 14 single-family attached dwelling units at a density of 3.77 dwelling units per acre (du/ac). The proposed development would include 46% open space and proposes a private street within the development providing access to the dwelling units.

A reduced copy of the GDP is included in the front of this report. The applicant's draft Proffers are included in Appendix 1. The applicant's affidavit and statement of justification can be found in Appendices 2-3, respectively.

Waivers and Modifications Requested:

Waiver of the 5 acre minimum district size requirement

Modification of the service drive requirement along the eastbound side of Arlington Blvd. (Route 50).

Waiver of the trail requirement along the eastbound side of Arlington Blvd.

Waiver of construction of a third lane along the eastbound side of Arlington Blvd.

Waiver of interparcel access requirements to the east [Tax Map 48-4((1)) 42A].

LOCATION AND CHARACTER

Site Description:

The 3.72 acre application site is located on the south side of Arlington Boulevard, between Covington Street and Ellenwood Drive, in the Providence District. The site is currently developed with a plant nursery, known as Craven's Nursery, which was established in 1973.

The site slopes downward to the west. A one-hundred (100) year floodplain, Environmental Quality Corridor (EQC) and Resource Protection Area (RPA), associated with Bear Branch, are located within the eastern portion of the site.

Existing Structure(s):

The subject site contains: one, two-story, stone building (formerly a home, and presently used as an office for the nursery); one concrete/stone greenhouse; one "L" shaped lattice house; three wooden sheds; and, one low-roofed, structure (previously a hog-shed, presently used for plant storage). All of these structures will be removed with the development of the site.

Other Features:

Access into the site is via two entrances, including one entrance directly off of the eastbound lane of Arlington Boulevard and one entrance via a service drive on the site's western edge. Gravel parking areas are informally located along the site's Arlington Boulevard frontage.

A stream, Bear Branch, enters the site on the northeastern periphery, and exits the site on the southeastern periphery. A Resource Protection Area (RPA), a 100-year floodplain, and Environmental Control Corridor (EQC), associated with this stream, are located on the far eastern portion of the site. Plant materials have been stored in this area, many of which appear to have taken root and do not appear to be viable nursery material. In addition, a poorly maintained gravel road has been established within the EQC, RPA, and floodplain.

Surrounding Area Description:

Craven's Nursery has existed on the site since 1973. All surrounding uses were constructed subsequent to the establishment of the nursery.

Direction	Use	Zoning	Plan
North	Arlington Boulevard (Route 50)	ROW	Right-of-way;
	Single Family Attached (Covington Subdivision)	R-8	Residential, 8-12 du/ac
South	Single Family Attached (Chesterfield Mews)	R-5	Residential, 3-4 du/ac
	Open Space (Park Authority)	R-5	Private Open Space (EQC Area)
East	Public Benefit Association (Kena Temple; S-61-77 and S-254-73)	R-1	Private Open Space (EQC Area)
West	Single Family Attached (Chesterfield Mews)	R-5	Residential, 3-4 du/ac

BACKGROUND

Site History:

In 1973, Craven's Nursery was established on the application site. The Cravens lived in the house, which is now used as the nursery's office. At that time, the property was zoned RE-1, which permitted agricultural activities (the growing and selling of agricultural products), and which permitted the sale of agricultural products (wayside stand) as a by-right use.

On August 14, 1978, the current Fairfax County Zoning Ordinance became effective. The Zoning District in which the subject property is located was amended and remapped from the RE-1 District to the R-1 District. In the R-1 District, plant nurseries were not by-right uses, but are permitted only with approval of a special exception.

In response to issues related to zoning violations, on December 31, 1998, the property owners filed a Special Exception application, SE 98-P-064, for a plant nursery.

On September 27, 1999, the Board of Supervisors approved SE 98-P-064, subject to development conditions. Under the approval, the applicant was given six (6) months from the date of final approval to obtain a Non-Residential Use Permit (Non-RUP) for the existing uses and 30 months to establish the proposed uses. Because the applicant failed to obtain a Non-RUP for the existing uses within the six (6) month timeframe or to obtain additional time to establish the use, SE 98-P-064 expired.

On January 7, 2002, the Board of Supervisors approved SE 01-P-019 to allow a plant nursery subject to development conditions dated January 7, 2002.

The complete sets of files for all of the previous applications for the subject site are available in the files of the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ).

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Fairfax Planning District; Area II, F2
Planning Sector:	Mantua Community Planning Sector
Plan Map:	Residential; 3-4 DU/AC
Plan Text:	No site specific Plan text

The Mantua sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan in Land Use Objectives 8 and 14.

ANALYSIS

Generalized Development Plan (Reduction at front of staff report)

Title of GDP: Craven Property
Prepared By: Land Design Consultants
Original and Revision Dates: January 2006, as revised through November 9, 2006.

GDP (Craven Property)	
Sheet #	Description of Sheet
1 of 5	Cover sheet (including Sheet Index, General Notes, Vicinity Map, Outfall & Stormwater Management Narratives)
2 of 5	Proposed Site Layout of the Property
3 of 5	Existing Vegetation Map & Existing Conditions Plan
4 of 5	Proposed Elevations
5 of 5	Proposed Elevations

The following features are depicted on the proposed GDP:

- *Vehicular Access.* The street accessing the proposed dwelling units will be privately maintained streets that access the site from the service drive. The GDP shows a modified service drive provided on the eastbound side of Arlington Blvd. to provide access to the site. Access to the service drive is provided at the intersection of Arlington Blvd. and Covington Street. The private roads within the development will be twenty four feet (24') in width.
- *Site Layout.* The application property is shown to be redeveloped with fourteen (14) single-family attached dwelling units. The dwelling units are shown in four groups of two and two groups of three. Lots 3-5 and 10-12 are located a minimum of 20 feet from the northern property line and oriented toward Arlington Boulevard. There are two infiltration trenches shown on the site, one located in a parking island north of the parking spaces in front of lots 10-12 and one located south of lot 6. Parcel A, located at the eastern portion of the site, is shown as open space and is to be dedicated to the Park.

- Pedestrian Access. A five-foot (5') wide concrete sidewalk is shown along the south side of the proposed service drive and along the south side of the private streets which accesses the dwelling units.
- Lot Layout. The proposed layout shows lots with an average lot size of 5,071 square feet. The minimum lot area shown is 4,300 square feet and the maximum lot area shown is 5,200 square feet. The typical lot layout shows the minimum front yard will be 18 feet to accommodate the parking of vehicles in the driveway, the minimum side yard will be 10 feet, and the minimum rear yard will be 20 feet. The yards provided meet the minimum yard requirements for single family attached dwellings in the R-5 District.
- Parking. Each lot is to have two parking spaces in the driveway and two spaces within a garage. The draft proffers include language prohibiting the conversion of garages to uses other than parking. In addition, nine (9) parking spaces are provided in front of lots 10-12 and three (3) spaces are provided in front of lots 3-5.
- Stormwater Management/BMP. The application proposes that SWM/BMP requirements will be achieved through the use of two infiltration trenches which are to be privately maintained by a homeowner's association.

The storm sewer system outfall is shown to be constructed within the RPA. The proposed pipe system will require approval of a Water Quality Impact Assessment prior to final site plan approval.

- Open Space and Landscaping. Open space is shown around the periphery of the subject site. The application proposes to provide approximately 46% open space, and the applicant has proposed a proffer stating that, prior to issuance of the first occupancy permit; the applicant will dedicate Parcel A, as shown on the GDP, to the Fairfax County Park Authority.
- Tree Preservation. The applicant has proposed two areas totaling approximately 8,000 square feet to be designated as tree save within the RPA/EQC. These areas are included in the area to be dedicated to the Fairfax County Park Authority.

Land Use Analysis

The application proposes to develop the site with 14 single family attached dwelling units at a density of 3.77 du/ac. The Comprehensive Plan map shows the site as planned for residential development at a density of 3-4 dwelling units per acre. The parcels are not subject to any site specific Comprehensive Plan text. At a proposed density of 3.77 du/ac, the proposed development is consistent with the use and density recommended by the Comprehensive Plan.

Residential Development Criteria

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 our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. The following is an evaluation of how the subject application addresses the Residential Development Criteria. For the complete Residential Development Criteria text, see Appendix 14.

Site Design (Development Criterion #1)

This Criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan.

The 3.72 acre application site consists of a single parcel currently developed with a plant nursery, known as Craven's Nursery, which was established in 1973. All of the properties to the north, west, and south have been previously developed at a density equal to or higher than the density proposed with this application. The property to the east is zoned R-1 and contains the Kena Temple. The proposed development will not preclude any adjacent parcels from developing in accordance with the Plan.

The development should provide for a logical design with appropriate relationships within the development, including appropriately oriented units and usable yards. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible.

The proposed layout shows lots with an average lot size of 5,071 square feet. The typical lot layout shows the minimum front yard will be 18 feet, the minimum side yard will be 10 feet, and the minimum rear yard will be 20 feet. The yards provided meet the minimum yard requirements for single family attached dwellings in the R-5 District. Based on the Typical Unit shown on sheet 2 of the GDP, the application proposes adequate usable yard areas. The proposed dwelling units are appropriately oriented to be compatible with the orientation of the existing units in the Chesterfield Mews subdivision south of the subject property.

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided.

There is a requirement of 25% open space in the R-5 District; the current application proposes to provide approximately 46%. The applicant has proposed a proffer stating that the applicant will dedicate Parcel A, as shown on the GDP, to the Fairfax County Park Authority at the time of site plan approval. The applicant has also proposed a proffer commitment to contribute \$5,000 to the Providence District

Trails Fund, and to work with the Fairfax County Park Authority for the future construction of an onsite trail in the general location shown on Parcel A on the GDP. The applicant will grant the 20' wide trail easement on Parcel A; however the trail will be constructed by others. Appropriate landscaping is provided in open space areas along the northern boundary of the site, south of the proposed service drive, and along the southern boundary of the property.

With the provision discussed above, this criterion has been met.

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, especially at the interface between the two.

All of the properties to the north, west, and south have been developed at a density equal to or higher than the density proposed with this application. The property to the east is zoned R-1 and contains the Kena Temple. As discussed previously, the proposed dwelling units are appropriately oriented to be compatible with the orientation of the existing units in the Chesterfield Mews subdivision south of the subject property. The architecture and unit types proposed are also compatible with the existing unit types in the Chesterfield Mews subdivision. The proposed development will not have any deleterious effect on the existing or planned development of adjacent properties. The proposed development will integrate the subject property with the adjacent residential developments to the north, south and west, therefore, this criterion has been met.

Environment (Development Criterion #3)

Residential Development Criterion 3 recommends that all rezoning applications for residential development respect the environment. The criterion enumerates several principals that should be addressed: a) natural environmental resources should be preserved, b) existing topographic conditions and soil characteristics should be considered, c) off-site impacts on water quality should be minimized by commitments to state of the art best managements practices and low impact site design techniques, d) the volume and velocity of stormwater runoff should be managed to avoid impacts on downstream properties, e) future and current residents should be protected from the adverse impacts of transportation generated noise, f) any exterior lighting fixtures should minimize neighborhood glare and impacts to the night sky, and g) use site design techniques to achieve energy savings and be designed to encourage and facilitate walking and bicycling.

**Preservation of Natural Environmental Resources &
Consideration of Existing Topographic Conditions**

The subject property has been used as a plant nursery since 1973. A Phase I Environmental Assessment for the site indicates that there are seven aboveground storage tanks (ASTs) currently used for fuel storage on-site, none of which are

equipped with secondary containment devices. Impacted surfaces resulting from these ASTs were determined to be restricted to the area beneath each tank as a result of filling operations. Two underground storage tanks (USTs) used to store heating oil were removed in 1997 and 2000. Soil and groundwater testing was recommended subsequent to removal of these USTs, however, soil and groundwater testing results were not included with data recorded for this site. The environmental assessment also indicates that the site has been used for storage of railroad ties, with as many as 1000 in 1985, raising concerns with soil contamination from creosote and potentially hydraulic fluids, petroleum, herbicides and heavy metals that may be found at railroad sites. The site was previously serviced by two private drinking water wells, one of which has been abandoned, and two private septic systems.

The applicant is required to coordinate with the Fairfax County Health Department regarding the closure and abandonment of wells and septic tanks found on the property. The applicant has proposed a proffer stating that, prior to land disturbance on the subject property, the Applicant will coordinate with the Health Department regarding the closure and abandonment of the existing wells and septic tanks found on the subject property. The Applicant will obtain a letter from the Health Department stating the aforementioned wells and septic tanks were closed and abandoned in accordance with local and State requirements.

The Fairfax County Fire and Rescue Department also reviewed the Phase I Environmental Assessment. Neither records at Fire and Rescue nor at the state Department of Environmental Quality (DEQ) contain reports of contamination. The DEQ has no record of any unidentified release of contaminants at the subject property and has indicated that the determination to take soil samples during the removal of underground storage tanks is made by the local Fire Marshal.

Fairfax County Fire and Rescue has indicated that the applicant should have new soil samples tested at the location of the tank bottoms where the underground storage tanks were removed. Fire and Rescue also recommends that the applicant take soil samples for arsenic at the location where the railroad ties were previously stored on the subject property. Railroad ties and subsequent potential contamination are not regulated by the county, and therefore, soil testing in this location serves as a recommendation only.

The applicant has proposed proffers stating that the applicant will perform additional soils sample review at the location where the underground storage tanks were removed, as well as take soils samples for arsenic at the location where the railroad ties were previously stored. These activities will take place at the time of site plan approval. If contaminated soils or arsenic is found as a result of the soils tests, the applicant will remedy the situation in accordance with the recommendations supplied by the applicant's consultant. With these provisions, this issue has been resolved.

Stormwater Management/Best Management Practice & Stormwater Outfalls

The comments of the Environmental and Site Review Division related to this issue are in Appendix 7. Stormwater management and Best Management Practices (BMP's) are proposed to be met through the provision of two infiltration trenches or alternative Low Impact Development techniques, as generally shown on the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM) unless waived or modified by DPWES.

The applicant has not provided sufficient field run infiltration rates to determine whether the site soils have the capacity to provide infiltration to the degree expected for the proposed footprint area shown for the infiltration trenches. All inlets to the facilities shall be set at or above the 10-year water surface elevation. The final determination on adequate stormwater management measures will be made by DPWES at the time of site plan review.

Issue: Floodplain

There is a major floodplain associated with Bear Branch along the eastern portion of the site. Appropriate floodplain and Storm Drainage easements should be dedicated over the designated floodplain areas prior to site plan approval, as determined from an approved floodplain study. All dwellings must be located a minimum of 15 horizontal feet from the floodplain and elevated so that the lowest part of the lowest floor is at least 18 inches above the highest floodplain elevation on the site. The applicant should make the appropriate floodplain statements on the plan.

Resolution:

Note # 17 on sheet 1 of the GDP includes language which states that, all dwellings shall be located a minimum of 15 feet from the floodplain per Sect.2-415 of the Zoning Ordinance and elevated so that the lowest part of the lowest floor is at least 18 inches above the highest floodplain elevation on the site. Therefore this issue has been resolved.

Issue: RPA Disturbance

The proposed sanitary sewer line has been located as to minimize disturbance of the RPA. Note # 12 on sheet 1 of the GDP should be revised to indicate why the RPA will be disturbed. The proposed storm sewer pipe system is shown to be constructed within the Resource Protection Area (RPA), which will require approval of a Water Quality Impact Assessment (WQIA) prior to final site plan approval. The pipe design should be revised so that the pipe terminates at the RPA limit with an open channel constructed through the RPA to Bear Branch. The clearing and grading limits shown on the GDP should be revised to reflect the open channel that must be constructed through the RPA.

Resolution:

Note # 12 on sheet 1 of the GDP has been revised to state the proposed disturbances in the RPA include the sanitary sewer construction and storm sewer outfall construction. The clearing and grading limits on the GDP have been revised to reflect the open channel to be constructed in the RPA. Therefore this issue has been resolved.

The Site Outfalls into Bear Branch located in the Accotink Creek. The Outfall Narrative indicates that adequate outfall exists for the site and the applicant indicates the existing outfall inadequacies are not the result of this site and will be addressed with site plan review. However, this issue should be addressed at this time. Options that can be utilized to achieve adequate outfall include off-site improvements and over detention. It appears that the proposed infiltration trenches could be redesigned to meet outfall requirements by enlarging the storage volume. At this time, this issue is still outstanding. It should be noted that if adequate outfall cannot be provided in accordance with the Public Facilities Manual at the time of site plan review in a manner that conforms with the GDP, a Proffered Condition Amendment (PCA) will be required.

Traffic Generated Noise

Transportation-generated noise from Route 50 affects the subject property. A noise study performed by the applicant, based on future average daily traffic projections for 2030 obtained from the Fairfax County Department of Transportation, indicates that there are several exterior areas impacted by noise levels greater than 65 dBA Ldn. These areas include rear and side yards of lots 1, 7, and 14. The study indicates that at fifteen feet, or second story window level, the 70 dBA Ldn contour lies along the footprints of the northern-most units, parallel to Route 50.

The preliminary noise study, based on the four-lane model, indicates that traffic-generated noise impacts on the subject property are within the 65-70 dBA DNL range. The study suggests that a seven-foot board on board fence placed in the front and side of units 1, 2, 13 and 14, and on the Route 50 side of units 6, 7, 8 and 9 will mitigate exterior noise to a maximum of 65 dBA DNL for outdoor recreation areas.

The Environmental Assessment dated September 21, 2006, found that the preliminary noise study did not account for a six-lane model for Route 50, as recommended in the Comprehensive Plan. The applicant had proffered to use building materials to further mitigate indoor noise to 45 dBA DNL and had committed to STC ratings appropriate given the 65-70 dBA DNL noise range. However, given projected noise levels at the high end of the 65-70 dBA DNL noise range for some of the proposed units, staff requested that the applicant revise the preliminary noise study to account for the six-lane model for Route 50 to determine if additional mitigation would be necessary.

The applicant has amended the proposed proffers to increase the STC ratings for building materials used to mitigate indoor noise in affected units. The applicant has

also committed to using exterior walls which will mitigate noise by using a laboratory sound transmission class (STC) rating of at least 45. Windows, exterior doors and sliding doors will have an STC rating of 37. If glazing constitutes more than 20% of any façade exposed to highway noise, it will have the same laboratory STC ratings as walls. The commitment to the board on board fence for units 1-2, 6-9, and 13-14, coupled with the increased STC ratings for windows, exterior doors, and sliding doors will meet Comprehensive Plan guidance for transportation generated noise in the 70-75 dBA DNL range. The revised proffers on STC ratings are acceptable to staff.

Lighting

The lighting on this property will be required to meet the limitations of Part 9 of Article 14, which addresses outdoor lighting.

Energy Conservation

The draft proffers commit that the dwellings on the property will meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes or its equivalent, as determined by the DPWES for either electric or gas energy systems, as applicable.

Tree Preservation & Tree Cover Requirements (Development Criterion #4)

This Criterion states that all developments should take advantage of existing quality tree cover—as preserving existing trees is highly desirable to meet the Public Facilities Manual (PFM) requirements—and that, where feasible, utility crossing should be located so as not to interfere with proposed tree save areas.

Urban Forest Management (*Appendix 5*)

The Urban Forest Management analysis of the application has identified the following issues:

Tree Preservation Fencing

Issue:

The location of the tree protection fencing proposed to be installed 10' from the western and southern property lines, as described in the tree preservation fencing proffer, is not shown on the GDP, and is unclear.

Resolution:

The GDP has been revised by the applicant to show the location of the tree protection fencing proposed to be installed 10' from the western and southern property lines.

Issue:

The proposed Tree Preservation Fencing proffer states the installation of tree protection fencing shall be performed under the supervision of a certified arborist and UFM. The physical installation of tree protection fencing is the responsibility of the Applicant.

Resolution:

The tree preservation fencing proffer has been revised accordingly, to state: "The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved."

Tree Cover Calculations**Issue:**

The tree cover calculations identify 28,500 square feet as tree cover to be planted. The total tree cover based on the planting schedule and quantities identified on sheet 2 of the GDP total approximately 8,800 square feet. The remaining 19,700 square feet of tree cover to be planted does not appear to be identified on the GDP. The proposed landscaping proffer states the landscaping shall be generally consistent in terms of character, materials, and quantity with the GDP.

Resolution:

The applicant has proposed a proffer stating that a landscape plan will be submitted with the site plan, which details the quantity and types of trees to be planted on site in order to meet tree coverage requirements. An administrative RPA Exemption and WQIA are required with the site plan for the subject property to permit the disturbances in the RPA on the site required for the construction of the storm sewer system outfall. Note # 12 on sheet 1 on the GDP states that the RPA will be re-vegetated in accordance with the Chesapeake Bay Preservation ordinance (CBPO)

Tree Valuation Determination**Issue:**

The Tree Valuation Determination proffer includes language stating replacement values will only be determined for trees located in the preservation areas having a

condition rating of 75% or higher located within 20 feet of the northern, southern, and eastern property boundaries. The 75% rating is subjective and the 20 foot distance from the limits of clearing and grading is not in conformance with the 25 foot distance specification as described in the standard 'Tree Preservation' proffer. The 75% or higher condition rating should be removed and tree valuations should be determined for all trees 10 inches in diameter that are proposed to be preserved located within 25 feet of the property boundaries.

Resolution:

The applicant has submitted revised proffers that removes the 75% or higher condition rating language and states that tree valuations shall be determined for all trees 10 inches in diameter that are proposed to be preserved located within 25 feet of the northern, southern, and eastern property boundaries. Therefore this issue has been resolved.

Transportation (Development Criterion #5)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. In addition, alternative street designs may be appropriate where conditions merit.

The applicant has provided a development plan which will consist of a service drive and two private streets, the applicant has proffered to construct these streets with materials and depth of pavement consistent with public street standards in accordance with the Fairfax County Public Facilities Manual (PFM), as determined by DPWES. The Applicant will be responsible for the maintenance of the private streets until the control of the private streets is assumed by the HOA. A five-foot (5') wide concrete sidewalk is shown along the south side of the proposed service drive and along the south side of the private streets which access the dwelling units.

Modification: Service Drive (Along Route 50) Basis: Par. 3 of Sect. 17-201

Sect. 17-201 of the Zoning Ordinance states that, the requirement for improvements may be modified or waived based on information provided by the applicant, and a determination by the Director or DPWES that such improvements are unnecessary, and such modification or waiver will not adversely affect other required improvements and compliance with all other applicable requirements.

Per Zoning Ordinance and PFM requirements a service drive is required along the Arlington Boulevard frontage of the subject site. The applicant has requested a modification of the service drive requirement to terminate the service drive short of the eastern property boundary due to the steep topography, RPA, and floodplain in that area. Ingress/Egress to the subject site will be provided via the service drive from its intersection with Covington Street. The Department of Transportation has

no objection to the modification request provided that a permanent cul-de-sac is provided at the eastern end of the service drive. At this time, in lieu of a permanent cul-de-sac, the application proposes an alternative turnaround. A final determination of the appropriate terminus for the service drive at the eastern portion of the property will be made by VDOT at the time of site plan review. Given the topography and environmental factors in that area, staff is supportive of this modification request.

Waiver: Countywide Trail (Along Route 50) **Basis:** Par. 2 of Sect. 17-201

The Comprehensive Plan, Countywide Trails Plan depicts a minor paved trail (4-8 feet wide) along the property's Route 50 (Arlington Blvd.) frontage. The applicant request a waiver of the depicted trail in favor of the five foot wide sidewalk proposed along the service drive. The adjacent properties have been developed and there are no trail connections existing along Route 50 on any of those properties. The applicant has also proposed a proffer stating that at the time of site plan approval, the Applicant will contribute \$10,000 to the Providence District Trails Fund for future trail connections in the Providence District, as determined by the Fairfax County Park Authority and the Providence District Supervisor's Office. The applicant has also proposed a proffer stating that, at the time of site plan approval, the applicant shall contribute \$5,000 to the Providence District Trails Fund for the future construction of an onsite trail, in the general location shown on Parcel A on the GDP. The applicant proposes to work with the Fairfax County Park Authority during review of the site plan, to determine the location of the 20' trail easement on Parcel A. The Applicant will grant the easement but not construct the trail. Based on the current proposal, staff is supportive of this waiver request.

Modification: Sidewalk (Along Route 50) **Basis:** Par. 2Sect. 17-201

The applicant has requested a modification of the sidewalk requirement along Route 50 to terminate the sidewalk short of the eastern property boundary due to the steep topography, RPA, and floodplain in that area. The modified sidewalk will be contiguous with the modified service drive. Staff is supportive of this modification request.

Waiver: Construction along Arlington Blvd. **Basis:** Par. 4Sect. 17-201

The applicant requests a waiver of the construction of a third lane along the eastbound side of Arlington Boulevard as recommended by the Comprehensive Plan. A third lane, in the form of right turn lanes exist along Arlington Blvd. to the east and west of the subject property. At this time there are no existing design plans or timetable for the construction of the third lane. In lieu of constructing the third lane, the applicant has proposed a proffer committing the applicant to contribute an escrow in the amount of \$100,000 for the cost of future construction of the third lane. In addition, the GDP states that the applicant will perform a grading analysis of the third eastbound lane of Arlington Boulevard along the

frontage of the site. The grading will be done in conjunction with the site plan for this development and will be provided to the County for use in the future construction of the third lane. The grading will be subject to review and approval by the Department of Transportation and if any auxiliary easements are necessary on the subject site for construction, they will be provided by the applicant. With the provision discussed, staff is supportive of this waiver request.

Waiver: Interparcel Access

Basis: Public Facilities Manual (PFM)

The applicant has requested a waiver of the PFM requirement to provide interparcel access to the abutting property to the east (Kena Temple). The applicant has requested the waiver based the developed nature of the abutting property and to avoid impacted the RPA and floodplain area in the eastern portion of the property. The proposed waiver of interparcel access requirement can be granted by the Director of DPWES. Given the environmental factors identified in the eastern portion of the subject property and adequate ingress/egress being proposed for the subject site at the western portion of the property, staff is supportive of the waiver of the interparcel access requirement

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 offset 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. Specific Public Facilities issues are discussed in detail in Appendices 8-12.

Fairfax County Park Authority (Appendix 8)

Land dedication to the Park Authority

The Fairfax County Park Authority analysis of this application has recommended that the applicant dedicate parcel A of the site to the Park Authority as an addition to Eakin Park.

The applicant has proposed a proffer stating that prior to issuance of the first occupancy permit, the applicant will dedicate Parcel A (~ 30,000 square feet), as shown on the GDP, to the Fairfax County Park Authority.

The GDP proposes 14 dwelling units on the subject site. To offset the impact caused by the proposed development, the cost to provide recreational facilities for the residents of this development while maintaining the current level of service was estimated to be \$13,370 The applicant has proffered to contribute \$13,370 to the Park Authority for park and/or facilities in the area of the application property at the time of site plan approval

Fairfax County Public Schools (Appendix 9)

The proposed development would currently be served by the Fairhill Elementary, Frost Middle, and Woodson High Schools. The total number of students generated by this development is projected to be 3 elementary students, 1 middle school students and 2 high school students (6 students in total), an increase of 5 students over what would be projected under the current zoning. A contribution of \$37,500 would be appropriate. The applicant has proffered a school contribution of \$37,500.

Fire and Rescue (Appendix 10)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #430, Merrifield. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 11)

The subject property is located within the Accotink Creek (M2) watershed and would be sewer into the Norman M. Cole Pollution Control Plant. An existing 8 inch line locates in an easement approximately 120 feet from the property is adequate for the proposed use at this time.

Fairfax County Water Authority (Appendix 12)

The subject property is located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available at the site from existing 20-inch main located at the property.

Affordable Housing (Development Criterion #7)

Criterion 7 states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. The applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board. Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs.

Given that the proposed residential development does not exceed fifty (50) dwelling units, Part 8 of Article 2 of the Zoning Ordinance does not require that affordable

dwelling units be provided. The draft proffers state that a contribution equal to 0.5 percent of the projected sales price for each new dwelling unit on the property will be made to the Housing Trust Fund; therefore this criterion has been met.

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. No heritage resources have been identified on this site.

ZONING ORDINANCE PROVISIONS (Appendix 13)

Bulk Standards (R-5)		
Standard	Required	Provided
Min. Dist. Size	4 acres	3.72 acres*
Lot Width	Single-family attached -18 ft.	45 feet (interior lots) 55 feet (exterior lots)
Building Height	35 feet	35 feet
Front Yard	15° angle of bulk plane, but not less than 5 feet	18 feet
Side Yard	15° angle of bulk plane, but not less than 10 feet	10 feet
Rear Yard	30° angle of bulk plane, but not less than 20 feet	20 feet
Density	5.0 du/ac	3.77 du/ac
Open Space	25%	46%
Parking Spaces	33 spaces (2.3/du)	68 spaces (4.9/du)

*Waiver of minimum district size requirement requested

Waiver: Minimum District Size

Basis: Sect. 9-610

Sect. 9-610 of the Zoning Ordinance states that the Board may approve, either in conjunction with the approval of a rezoning or a special exception, the waiving of the minimum district requirement for an R District, except for cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of the three and one half (3.5) acres or greater, the minimum lot area and/or width requirements for a C district or the minimum district requirement for the C-9 District, and the minimum district size, lot area and/or width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties.
3. Such waiver shall be approved only if the remaining provisions of this ordinance can be satisfied.

All of the properties to the north, west, and south have been developed at a density equal to or higher than the density proposed with this application. The property to the east is zoned R-1 and contains the Kena Temple. At this time, there is not an opportunity for consolidation with additional properties and the proposed development will not have any deleterious effect on the existing or planned development of adjacent properties. Therefore staff recommends approval of this waiver request.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant is seeking to rezone 3.72 acres from the R-1 District to the R-5 District; to permit development of 14 single-family attached dwelling units at a density of 3.77 dwelling units per acre (du/ac), with forty-six percent (46%) open space and two private streets within the development. The Comprehensive Plan map shows the entire site as planned for residential development at a density of 3-4 dwelling units per acre. The parcels are not subject to any site specific Comprehensive Plan text. At a proposed density of 3.77 du/ac, the proposed development is consistent with the density recommended by the Comprehensive Plan. The abutting properties to the south and west, have been developed in accordance with the 3-4 du/ac recommendation of the Comprehensive Plan and are zoned R-5. The property to the north (across Arlington Blvd.) is subject to the 8-12 du/ac recommendation and is zoned R-8. The abutting property to the east contains a public benefit association use (Kena Temple), and is zoned R-1. There is no transitional screening or buffer requirements associated with this application. The proposed development will fit in with the surrounding properties and not create negative impacts on those properties.

The application meets the Residential Development Criteria addressed in this report and is in conformance with the Comprehensive Plan recommendations. While the application is in compliance with most of the applicable Zoning Ordinance provisions, there is an issue related to site outfall, which must be addressed prior to site plan approval for the subject site.

Staff Recommendations

Staff recommends approval of RZ 2006-LE-008, subject to the proffers contained in Appendix 1 of this staff report.

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

Staff recommends approval of the modification of the service drive requirement along Arlington Boulevard.

Staff recommends that the waiver of the countywide trail requirement along Arlington Boulevard be approved in favor of the sidewalk shown on the GDP.

Staff recommends that the waiver of the construction of a third lane along Arlington Boulevard be approved subject to an escrow.

Staff recommends that the Board of Supervisors direct the Director of DPWES to approve the waiver of the interparcel access requirement to the east.

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 Assessment
5. Urban Forest Management Analysis
6. Transportation Analysis
7. Storm Water Management Analysis
8. Park Authority Analysis
9. Schools Analysis
10. Fire and Rescue Analysis
11. Sanitary Sewer Analysis
12. Water Service Analysis
13. Applicable Zoning Ordinance Provisions
14. Residential Development Criteria
15. Glossary of Terms

PROFFERS

Chalice Crest, L.C.
Craven Property

RZ 2006-PR-008

November 9, 2006

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 48-4 ((1)), Parcel 44 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1 zoning district to the R-5 district.

1. Development Plan

- a) Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map 48-4 ((1)), Parcel 44 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Craven Property" containing five sheets and prepared by Land Design Consultants, Inc., dated January, 2006 and revised through November 9, 2006.
- b) Pursuant to Paragraph 2 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. These modifications shall include only the locations of utilities, minor adjustment of lot lines, and the general location of dwellings on the proposed lots provided that the total area of open space is not decreased from that shown hereon, the building setbacks outlined on the GDP are honored, and the limits of clearing and grading are adhered to.

2. Homeowners Association

The applicant shall establish a homeowner's association for the proposed development to own, manage and maintain the open space areas, including tree save areas and all other community land and improvements, the private street, and infiltration trenches. Restrictions placed on the use of the open space/buffer areas, minimum setbacks and the maintenance responsibilities of the homeowner's association shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the homeowner's association documents.

3. Transportation

- a) a) At the time of site plan approval, the Applicant shall escrow with Fairfax County the sum of \$100,000 for the future construction of the third eastbound lane of Arlington Boulevard along the frontage of the site. The contribution amount shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, from the date of the Board of Supervisor's approval of this rezoning application to the date of site plan approval.
- b) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.

- c) Garages and Driveways. The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose, which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.
- d) The applicant shall provide five-foot wide sidewalks along one side of the proposed service drive, as well as along one side of the internal private travelway as depicted on the GDP.
- e) The Applicant will perform a grading analysis of the third eastbound lane of Arlington Boulevard along the frontage of the site. This grading will be performed in conjunction with the site plan and will be provided to Fairfax County for use in constructing this roadway at a later date and to determine whether any retaining walls or offsite easements will be required. This grading will be subject to review and approval by the Office of Transportation and if any auxiliary easements are necessary on the subject property for this construction, they will be provided by the Applicant. This will not include any additional work beyond a grading analysis of the aforementioned third lane.

4. Open Space Dedication

- a) At time of final site plan approval, the Applicant shall dedicate Parcel A, as shown on the GDP, to the Fairfax County Park Authority. The Applicant shall reserve any density credit associated with this dedication and also reserves the right to enter this parcel to remove any existing debris and nursery material as part of the initial clearing of the site. Parcel A will remain as undisturbed open space except for the permitted disturbances, as shown, on the Generalized Development Plan.
- b) At time of final site plan approval, the Applicant shall dedicate Parcel B, as shown on the GDP, to the Homeowner's Association. The Applicant shall reserve any density credit associated with this dedication.

5. Landscaping

- a) Landscaping and on-site amenities shall be generally consistent in terms of character and materials with the GDP. Specific features such as the exact locations of plantings, driveways, sidewalk connections, etc., are subject to minor modification with final engineering and architectural design, as approved by Urban Forest Management, Department of Public Works and Environmental Services (DPWES). A landscape plan will be submitted with the site plan, which details the quantity and types of trees to be planted on site in order to meet tree coverage requirements.
- b) The Applicant shall install a 7-foot tall, masonry and board on board fence, along portions of the northern property line of the Application property, adjacent to the proposed service drive as generally shown on the GDP.

6. Tree Preservation

Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions to address the preservation of the on-site and off-site trees located within the Tree Preservation Area, as shown on the Generalized Development Plan. 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 shall be subject to the review and approval of Urban Forest Management, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

Tree Value Determination: The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of the trees located within the Tree Preservation Area, as shown on the Generalized Development Plan, and all trees ten inches (10") in diameter or greater located within twenty five feet (25') of the northern, southern, and eastern property boundary (i.e the trees located off-site) as shown on the Generalized Development Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the site plan. The replacement value shall take into consideration the age, size, and condition of these trees and shall be determined by the so-called 'Trunk Formula Method' contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

Tree Bonds: In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of final site plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the previous proffer (herein the "bonded trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. The replacement trees shall be selected to provide canopy cover equivalent to those trees that are lost and shall incorporate native species. At the time of approval of the final RUP, the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments. Any funds remaining in the letter of credit or cash bond will be released concurrently with the site performance bond release, or sooner, if approved by UFM.

Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative 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, and such adjustments shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. 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 adjacent trees and associated understory vegetation and soil conditions.

Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (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 or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets.

As part of this application and per prior discussions with UFM, DPWES, the Applicant will also install tree preservation fencing along the western property line and along portions of the southern property line as determined by UFM, DPWES. Specifically, this fencing will be installed approximately 10' from the western property line and approximately 10' from portions of the southern property line, where possible and as determined in conjunction with UFM, DPWES. The fencing will be placed in this location to protect any offsite trees from land disturbing activities. However in accordance with the limits of clearing and grading shown on the GDP, the Applicant will be clearing to the western property line and to portions of the southern property line in order to remove any remaining nursery material. A Bobcat will be used to remove any nursery material within 10' of the western property line and portions of the southern property line. This is the only disturbance permitted within 10' of the western property line and those portions of the southern line as determined by UFM, DPWES. Once the proposed houses are constructed, all grading is completed, and the site is stabilized, the Applicant will remove the tree preservation fencing and re-sod the disturbed area within 10' of the property line with a York rake.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under

the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM.

The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES.

7. Storm Water Management

- a) If approved by DPWES, stormwater management and Best Management Practices (BMPs) shall be accomplished through the provision of two infiltration trenches or alternative Low Impact Development techniques, as generally shown on the GDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM). The size and location of the facilities may be subject to final modifications based on final engineering provided they are in substantial conformance with the GDP. If the size and location of the facility are not in substantial conformance with the GDP, a PCA may be required.

8. Contributions

- a) At the time of site plan approval, the Applicant shall contribute \$13,370 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Providence District of Fairfax County. The contribution amount shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, from the date of the Board of Supervisor's approval of this rezoning application to the date of site plan approval...
- b) At the time of issuance of the first building permit, Applicant shall contribute to Fairfax County \$37,500 for capital improvements to nearby public schools. Said contribution shall be deposited by DPWES into the County Schools Proffer Account for distribution by the Board of Supervisors to the Fairfax County Public Schools for application to public school construction projects in the vicinity of the Application property.
- c) Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the projected sales price of each of the new residential unit to be built on-site, as determined by the Department of Housing and Community Development (HCD) and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.
- d) At the time of site plan approval, the Applicant shall contribute \$2,000 to the Providence District Tree Fund.

- e) At the time of site plan approval, the Applicant shall contribute \$10,000 to the Providence District Trails Fund for future trail connections in the Providence District, as determined by the Fairfax County Park Authority and the Providence District Supervisor's Office.
- f) At the time of site plan approval, the Applicant shall contribute \$5,000 to the Providence District Trails Fund for the future construction of an onsite trail, in the general location shown on Parcel A on the Generalized Development Plan. The Applicant will work with the Fairfax County Park Authority during review of the site plan, to determine the location of the 20' trail easement on Parcel A. The Applicant will grant the easement but not construct the trail. The location of the 20' trail easement on Parcel A shown on the GDP is for illustrative purposes only until a final determination on its location is made by the Park Authority during review of the site plan.

9. Architecture

The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the GDP, or of comparable quality as determined by DPWES. The exterior facades of the new homes constructed on the site shall be covered with brick, stone or cementitious siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof. The Applicant agrees that the architecture/building materials for the proposed dwellings will be compatible with one another and consist of the materials described herein. In addition, the side exterior façade of the units facing Arlington Boulevard shall consist of the same building materials and shall have a consistent pattern of architectural detailing and percentage of building materials as the front façade on these units. All units shall be limited to a maximum of thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

10. Energy Saver Program

All homes constructed on the property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes or its equivalent, as determined by the DPWES for either electric or gas energy systems, as applicable.

11. Lighting and Signs

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

12. Noise

The Applicant shall provide the following noise attenuation measures:

- a) In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn or less, the Applicant proffers that the front, side, and rear walls of all facades of the residential units facing the direction of Arlington Boulevard shall have the following acoustical attributes:
 - i) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45;
 - ii) Windows shall have a STC of 37, exterior doors shall have a STC of 37 and sliding doors shall have a STC of 37. If glazing constitutes more than 20% of any façade exposed to highway noise levels greater than 65dBA Ldn it shall have the same laboratory STC ratings as walls; and
 - iii) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for testing and Materials to minimize sound transmission.

13. Private Streets

All private streets will be constructed with materials and depth of pavement consistent with public street standards in accordance with the Fairfax County Public Facilities Manual (PFM), as determined by DPWES. The Homeowner's Association (HOA) shall be responsible for the maintenance of all private streets and the HOA documents shall expressly so state. The Applicant shall be responsible for the maintenance of the private streets until the control of the private street is assumed by the HOA. The Applicant, or its representatives, shall disclose to prospective purchasers prior to, or at the time of contract, that the HOA is responsible for the maintenance of private streets within the development.

14. Telecommuting

All dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.

15. Other

- a) During development of the subject site, the telephone number of the site superintendent that will be present on-site during construction shall be provided to representatives of the Chesterfield Mews and Kena Temple communities and to the Providence District Supervisor's Office.
- b) Outdoor construction activity will be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities will be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
- c) Prior to land disturbance on the subject property, the Applicant will coordinate with the Health Department regarding the closure and abandonment of the existing wells and septic tanks found on the subject property. The Applicant will obtain a letter from the Health

Department stating the aforementioned wells and septic tanks were closed and abandoned in accordance with local and State requirements.

- d) As a condition of final site plan approval, the Applicant will perform additional soil sample review at the location where the Underground Storage Tanks were removed. If contaminated soils are found, the Applicant will remedy this issue in accordance with the recommendations supplied by the Applicant's consultant.
- e) As a condition of final site plan approval, the Applicant will take soil samples for arsenic at the location where the railroad ties were previously stored. If arsenic is found, the Applicant will remedy this issue in accordance with the recommendations supplied by the Applicant's consultant.
- f) The current "Craven's Nursery" use may exist and operate on the subject property until such time as the site plan associated with RZ 2006-PR-008 is approved by Fairfax County.

Signatures:

Chalice Crest, L.C.

By: _____
John P. Sekas, its Manager
Developer, Tax Map Parcel 48-4 ((1)), Parcel 44

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Clifton P. Craven

By: _____
Clifton P. Craven
Owner, Tax Map Parcel 48-4 ((1)), Parcel 44

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Nancy C. Craven

By: _____
Nancy C. Craven
Owner, Tax Map Parcel 48-4 ((1)), Parcel 44

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