



FAIRFAX COUNTY

APPLICATION FILED: October 12, 1998
PLANNING COMMISSION: September 21, 2000
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

September 14, 2000

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 1998-LE-055

LEE DISTRICT

APPLICANT: Hybla Valley Properties LLC

PRESENT ZONING: R-4

REQUESTED ZONING: PDH-8

PARCEL(S): 92-4 ((1)) 58 and 101-2 ((1)) 11A

ACREAGE: 61.21 acres

DENSITY: 5.64 du/ac (Alternative A)
4.72 du/ac (Alternative B)

OPEN SPACE: 31.8 acres or 52 percent (Alternative A)
31.8 acres or 52 percent (Alternative B)

PLAN MAP: Private Open Space

PROPOSAL: To Rezone 61.21 acres from the R-4 to PDH-8 to allow residential development pursuant to the following two options:

Alternative A: 70 Single Family Detached Units
191 Single Family Attached Units
84 Multi-Family Dwelling Units
345 Total (includes 7 ADUs)

Alternative B: 70 Single Family Detached Units
219 Single Family Attached Units
289 Total (No ADUs)

REQUESTED WAIVERS:

Six Hundred (600) Foot Limitation on Length of Private Streets

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 1998-LE-055 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those set forth in Attachment 1.

Staff further recommends approval of FDP 1998-LE-055 subject to the development conditions set forth in Appendix 1B of the Staff Report, and the approval of RZ 1998-LE-055.

Staff further recommends that the six-hundred (600) foot maximum length of a private street be waived.

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.

BACKGROUND

This application was scheduled for a Planning Commission public hearing on September 16, 1999. A staff report, recommending approval, was published on September 2, 1999. However, prior to the public hearing, the applicant requested a deferral. A Locator Map showing the location of the property is contained in Attachment 5.

DISCUSSION

During the period of deferral, the applicant submitted a floodplain study and an RPA (Resource Protection Area) study to the DPWES for review and approval. The records of the DPWES show that the RPA Study, 0019-RPA-01-2, was approved on August 18, 2000, and the floodplain study, 0019-FP-01-4, was approved on August 19, 2000. The RPA study established the approved boundary of the Resource Protection Area that is located on the application property. The floodplain study fixed the limits of the one-hundred year floodplain in the existing condition of the site and established the revised floodplain limits and the extent of the floodplain easement that would result from the proposed construction of the extension of Lindberg Drive serving the proposed single family detached neighborhood. It should be noted that construction of a road in the 100 year floodplain is permitted without the approval of a special exception for fill-in the floodplain. The establishment of these parameters is particularly important on this property given its flat topography and extensive floodplain and other water features.

The latest submission of the combined Conceptual/Final Development Plan (CDP/FDP) is dated August 8, 2000, and reflects the approved RPA and floodplain studies. A reduction of the most recent CDP/FDP is Attachment 1. The revised CDP/FDP has relocated one lot from immediately north of the culvert to be constructed on extended Lindberg Drive to the cluster of lots proposed south of that culvert. In addition, a couple of other changes were made to address issues raised by the Proposed Development Conditions in Appendix 1b of the original Staff Report.

In addition, the applicant has continued to refine the proffers with most of the revisions occurring within the proffers regarding environmental issues. The revised proffers are contained in Attachment 2. These proffers are also discussed in the Addendum to the Environmental Assessment in Attachment 4. The following is a discussion of the changes to the proffers.

- The draft proffers have been revised to include dedication of land to the Park Authority for inclusion in Huntley Meadows Park, as illustrated in Attachment A to the proffers;
- Language has been added to the proffers regarding restoration of the north-south ditch, if there is damage to the stream, to allow, based on a determination of the County, a reduction in the extent of remediation to be provided by the applicant, if the damage is shown to be attributable to other development activity upstream of this property;

- The tree preservation plan is to include a narrative regarding the removal of garbage and construction debris from the site to ensure minimal disturbance;
- The commitment to remove obstructions from the north-south ditch was moved up to prior to land disturbing activities rather than prior to the first Residential Use Permit (RUP);
- The commitment to design the stormwater outfalls to minimize impacts has been extended to all outfalls from the project, rather than being limited to the north-south ditch;
- The commitments to provide mitigation of adverse soil conditions, such as uncontrolled fill or soft soils, has been strengthened to include a commitment to abide by the recommendations of the Geotechnical Review Board (GTRB) and to include suggestions regarding possible methods to stabilize foundations in such circumstances, such as, but not limited to, proof-rolling, undercutting and replacement, piles or pier foundations and, where basements are proposed, damp and water proofing may be required;
- The proffers explicitly state that all lots will be outside the floodplain; however, it would be desirable for a revised CDP/FDP to be submitted reflecting the approved floodplain easement and the approved RPA boundary that shows all lots outside the floodplain easement; and,
- An escalator clause has been included with regard to all contributions and escrow amounts.

In addition, the revised CDP/FDP and the draft proffers address the recommended FDP Development Conditions included in Appendix 1b of the Staff Report as follows:

- The sidewalks noted in Condition 1 are shown on the revised CDP/FDP;
- The typical layout of a single family attached lot includes a dimension of twenty (20) feet for the driveway between the front of the unit and the front lot line;
- The proposed development condition regarding the vacation of Fairchild Road has been incorporated into the draft proffers;
- The monitoring of the removal of obstructions from the stream has been included in the draft proffers;
- The extent of the monitoring of the existing conditions and the extent of change to the north-south ditch extends the recommended distance from the northern property line and includes sixteen monitoring stations;
- The proffers include wetlands studies to limit the impacts of the proposed development on the wetlands;
- A foundation warranty of ten (10) years is included in the draft proffers;
- Replacement landscaping is provided for in the draft proffer in accordance with the provisions of Development Condition Number 10;
- The draft proffers include a commitment to provide a demarcation of the boundary of Huntley Meadows Park; however, this commitment should be revised to recognize the additional dedication that is now included in the draft proffers;
- The typical layout of a single family detached lot shows a minimum three (3) foot setback between the dwelling unit and the property line, which is the equivalent of a six (6) foot separation between dwelling units; the layout on the CDP/FDP meets the standard established in this development condition regarding setbacks for buildings of single family attached dwelling units; and,

- The draft proffers have been revised to include the notifications recommended in the draft development conditions.

The recommended development condition regarding emergency access was not included in the draft proffer statement. Further, the revised layout only removed the lot and did not relocate the proposed seating area onto that lot or adjust the limits of clearing and grading to reflect the relocation of the lot. These elements are addressed by the revised proposed development conditions contained in Attachment 3.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The deferral of this application allowed for an engineering review to establish the exact boundaries of the existing floodplain and the proposed floodplain for this project and to set the exact boundary of the Resource Protection Area. While this period of study indicated that the limits set on the previous CDP/FDP addressed by the staff report were close to the limits ultimately promulgated through the review and approval of the engineering studies, this period allowed staff and the applicant to eliminate an element of insecurity involved in the proposed development of this property. This property is located adjacent to Huntley Meadows Park and has a relatively flat topography except for the floodplains, wetlands and other water features shown on this site. Appropriate development of this site with adequate safeguards for the wetlands and other drainage features existing in the area was the major issue to be addressed by the review of the application. The period of study allowed the floodplain limits to be established and allowed the draft proffers to be refined to address these environmental issues adequately.

Further, the proffers were revised to include issues raised by the review of this application by local citizens, including the dedication of additional ground for Huntley Meadows Park and protections against flooding of the basements of the existing homes in the adjacent subdivision.

Recommendations

Staff recommends approval of RZ 1998-LE-055 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those set forth in Attachment 2.

Staff further recommends approval of FDP 1998-LE-055 subject to the development conditions set forth in Attachment 3, and the approval of RZ 1998-LE-055.

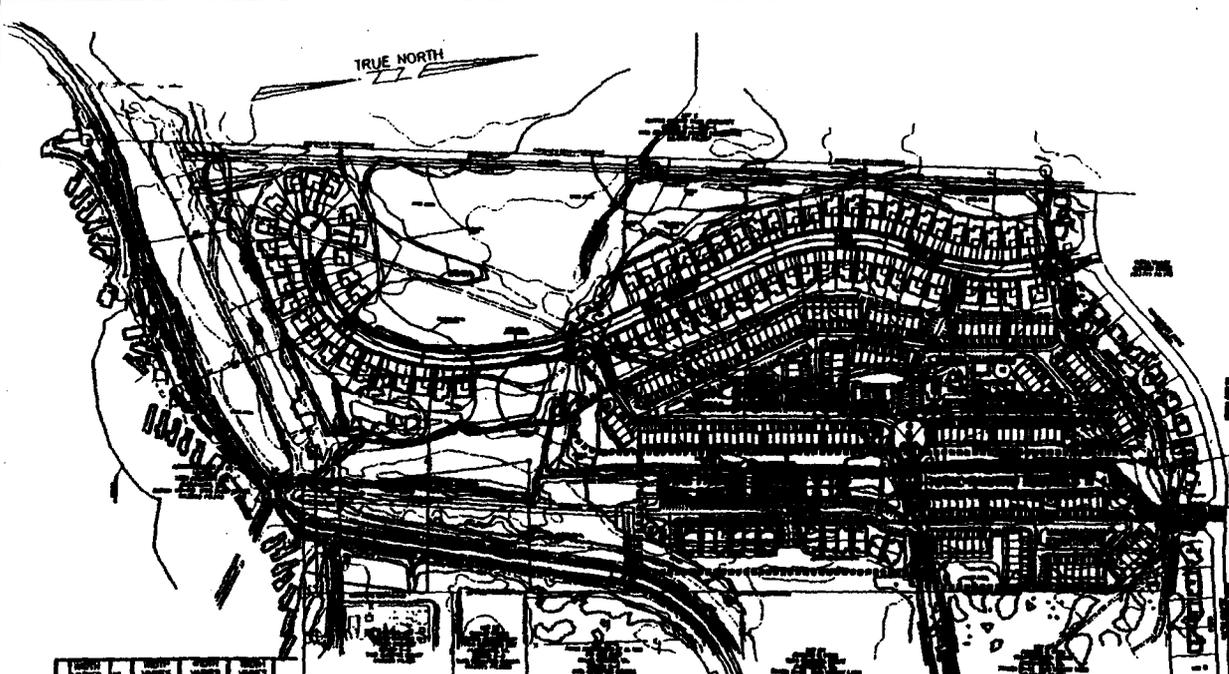
Staff further recommends that the six hundred (600) foot maximum length of a private street be waived.

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.

ATTACHMENTS

1. Reduction of the Conceptual/Final Development Plan
2. Draft Proffer Statement
3. Draft Final Development Plan Development Conditions
4. Addendum to the Environmental Analysis
5. Locator Map



SITE TABULATION FDP "A"

SITE TABULATION FDP, STD. & SCALE FAMILY:
 Total Site Area: 61,210 sq. ft. (24,770 sq. ft.)
 Building Footprint: 10,000 sq. ft.
 Total Area: 51,210 sq. ft. (24,770 sq. ft.)

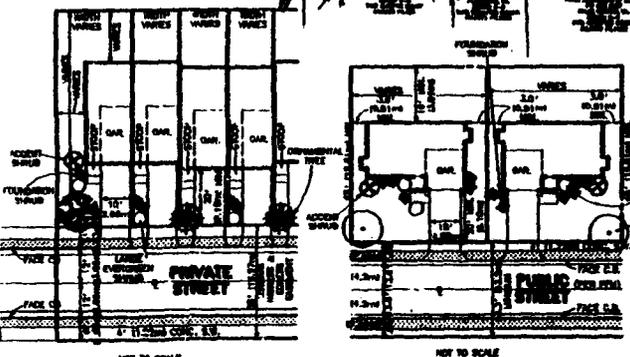
ZONING ORDINANCE SECTION 2-308 CALCULATIONS

TOTAL SITE AREA	61,210 ACRES
TOTAL AREAS IN FLOOR PLAN OR MARINE CLAY	53,070 ACRES
LESS JOB OF SITE AREA	-18,286 ACRES
DENSITY TO WHICH THE DENSITY REDUCTION APPLIED:	34,711 ACRES
FOUR (4) ZONING ALLOWABLE DENSITY:	148.7 UNITS/ACRE
LESS: 600 DENSITY REDUCTION:	-130.9 UNITS
91.811 ACRES x 4 UNITS/ACRE =	367.2 UNITS
ALLEGEDLY DENSITY:	390.9 UNITS
PLUS 20% FOR ADJ'S:	78.2 UNITS
TOTAL UNITS ALLOWED:	469.1 UNITS
TOTAL UNITS PROPOSED:	348 UNITS

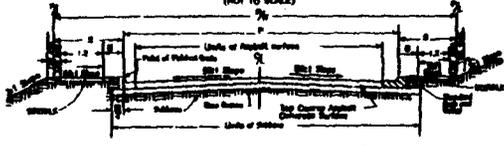
EXISTING R-4 ZONING

MAX. NO. OF UNITS R-4
 61,210 x 4 = 244 UNITS

TOTAL PARKING REQUIRED FOR LAND BAYS "A" - "D" = 579
 TOTAL PARKING PROVIDED FOR LAND BAYS "A" - "D" = 743
 THIS VIEW FOR ILLUSTRATION PURPOSES ONLY!!



TYPICAL SECTION (NOT TO SCALE)



ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE DRIVE AISLE	100	LINEAL FEET	1.50	150.00
2	ASPHALT DRIVE AISLE	100	LINEAL FEET	1.00	100.00
3	CONCRETE DRIVE AISLE	100	LINEAL FEET	1.50	150.00
4	ASPHALT DRIVE AISLE	100	LINEAL FEET	1.00	100.00
5	CONCRETE DRIVE AISLE	100	LINEAL FEET	1.50	150.00
6	ASPHALT DRIVE AISLE	100	LINEAL FEET	1.00	100.00
7	CONCRETE DRIVE AISLE	100	LINEAL FEET	1.50	150.00
8	ASPHALT DRIVE AISLE	100	LINEAL FEET	1.00	100.00
9	CONCRETE DRIVE AISLE	100	LINEAL FEET	1.50	150.00
10	ASPHALT DRIVE AISLE	100	LINEAL FEET	1.00	100.00

SITE TABULATION FDP "B" (SEE SHEETS 6 & 7 OF 7 FOR ALTERNATE DEVELOPMENT)

SITE TABULATION FDP, STD. & SCALE FAMILY:
 Total Site Area: 61,210 sq. ft. (24,770 sq. ft.)
 Building Footprint: 10,000 sq. ft.
 Total Area: 51,210 sq. ft. (24,770 sq. ft.)

PROPOSED: 70 STD. x 2.5 IMPROVED/ST. = 140 SPACES
 101 TR. x 2.5 IMPROVED/ST. = 400 SPACES
 64 MULTI-FAMILY x 1.0 IMPROVED/ST. = 128 SPACES
 Total spaces provided = 578 spaces

WAIVERS

1. OWNER OF THE SUBJECT TO CONVEY WITH PUBLIC NOTICE AND TO FILE WITH THE PLANNING COMMISSION.
2. OWNER OF THE SUBJECT TO CONVEY WITH PUBLIC NOTICE AND TO FILE WITH THE PLANNING COMMISSION.
3. THE DEVELOPER REQUESTS A WAIVER TO CONVEY WITH PUBLIC NOTICE AND TO FILE WITH THE PLANNING COMMISSION.

CONCEPTUAL DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN

HYBLA VALLEY

LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 OWNER
 HYBLA VALLEY PROPERTY L.L.C.
 300 N. LEE STREET, SUITE 200
 ALEXANDRIA, VA 22314



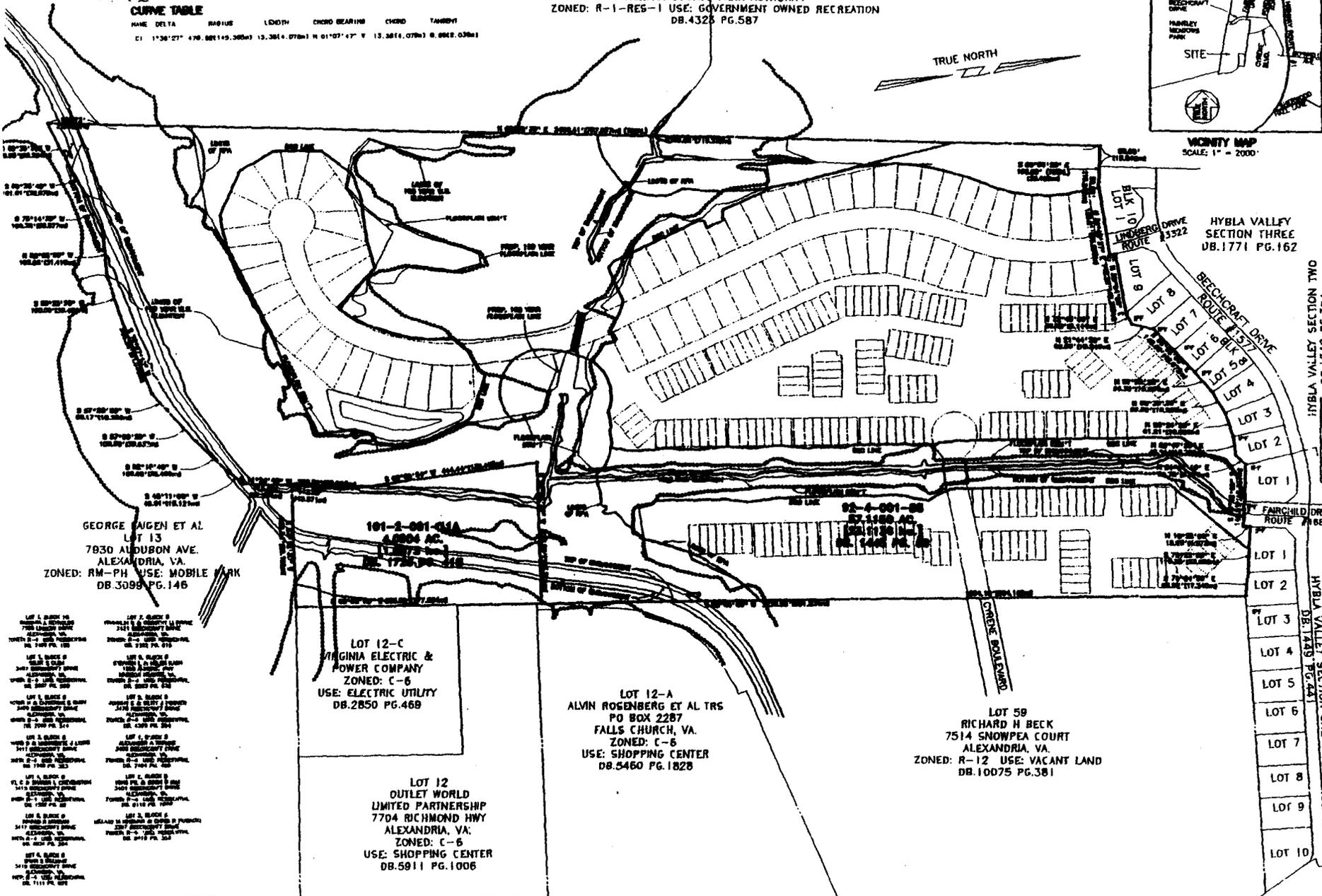
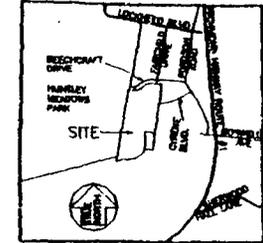
HYBLA VALLEY
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 CSP / FDP PLAN



CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	TANGENT
C1	1°36'27"	476.88115,30543	13.3814,07861	N 01°07'47" W	13.3814,07861	8.8828,03861

LOT 6
 FAIRFAX COUNTY PARK AUTHORITY
 ZONED: R-1-RES-1 USE: GOVERNMENT OWNED RECREATION
 DB.4325 PG.587



GEORGE AUGEN ET AL
 LOT 13
 7830 ALDUBON AVE.
 ALEXANDRIA, VA.
 ZONED: RM-PH USE: MOBILE
 DB.3099 PG.146

101-2-001-01A
 4.6804 AC.
 17785 PG. 248

LOT 12-C
 VIRGINIA ELECTRIC &
 POWER COMPANY
 ZONED: C-6
 USE: ELECTRIC UTILITY
 DB.2850 PG.469

LOT 12-A
 ALVIN ROSENBERG ET AL TRS
 PO BOX 2287
 FALLS CHURCH, VA.
 ZONED: C-6
 USE: SHOPPING CENTER
 DB.5460 PG.1828

LOT 59
 RICHARD H BECK
 7514 SNOWPEA COURT
 ALEXANDRIA, VA.
 ZONED: R-12 USE: VACANT LAND
 DB.10075 PG.381

LOT 12
 OUTLET WORLD
 LIMITED PARTNERSHIP
 7704 RICHMOND HWY
 ALEXANDRIA, VA.
 ZONED: C-6
 USE: SHOPPING CENTER
 DB.5911 PG.1006

HYBLA VALLEY SECTION THREE
 UB.1771 PG.162

HYBLA VALLEY SECTION TWO
 DB.1542 PG.334

FAIRCHILD DRIVE
 ROUTE 7689

HYBLA VALLEY SECTION ONE BLK 3
 DB.1549 PG.441

- LOT 10
- LOT 9
- LOT 8
- LOT 7
- LOT 6
- LOT 5
- LOT 4
- LOT 3
- LOT 2
- LOT 1
- LOT 10
- LOT 9
- LOT 8
- LOT 7
- LOT 6
- LOT 5
- LOT 4
- LOT 3
- LOT 2
- LOT 1



HYBLA VALLEY
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SHOWING LOCATION 100 YEAR U.S.
 ON AND RPA LINE

1	2	3	4	5	6	7	8	9	10

2 of 7
 PL-200

HYBLA VALLEY SECTION TWO
DB.1542 PG.304

HYBLA VALLEY SECTION ONE
DB.1449 PG.441

HYBLA VALLEY
SECTION THREE
DB.1771 PG.162

LOT 5
FAIRFAX COUNTY PARK AUTHORITY
ZONED: R-1-RES-1
GOVERNMENT OWNED RECREATION
DB.4323 PG.587

RESCRAFT DRIVE
ROUTE 21577

LOT 59
RICHARD H BECK
7514 SNOWPEA COURT
ALEXANDRIA, VA.
ZONED: R-12 USE: VACANT LAND
DB.19075 PG.381

FOR "A" DEVELOPMENT
SEE ALTERNATIVE
SHEET 6 OF 7

RECOMMENDED PLANT LIST

- DECIDUOUS CANOPY TREES: 8 1/2" CAL.
AURAM PLANE MAPLE
NORFOLK 1/2 BEECHLEAF AM
OCTOBER GLORY MAPLE
- ORNAMENTAL FLOWERING TREES: 8 1/2" CAL.
SPRING PRINCESS DOGWOOD
PINKER KING BUTTERFLY
YOSHINO CHERRY
- EVERGREEN TREES: 8 1/2" CAL.
AUSTRIAN PINE
NORFOLK SPRUCE
WHITE PINE

Huntley, Hayes & Associates, LLC
Landscape Architecture • Urban Planning
10000 WOODBRIDGE AVENUE
SUITE 100
FAIRFAX COUNTY, VA 22030
TEL: 703.441.1100
WWW.HUNTLEYHAYES.COM

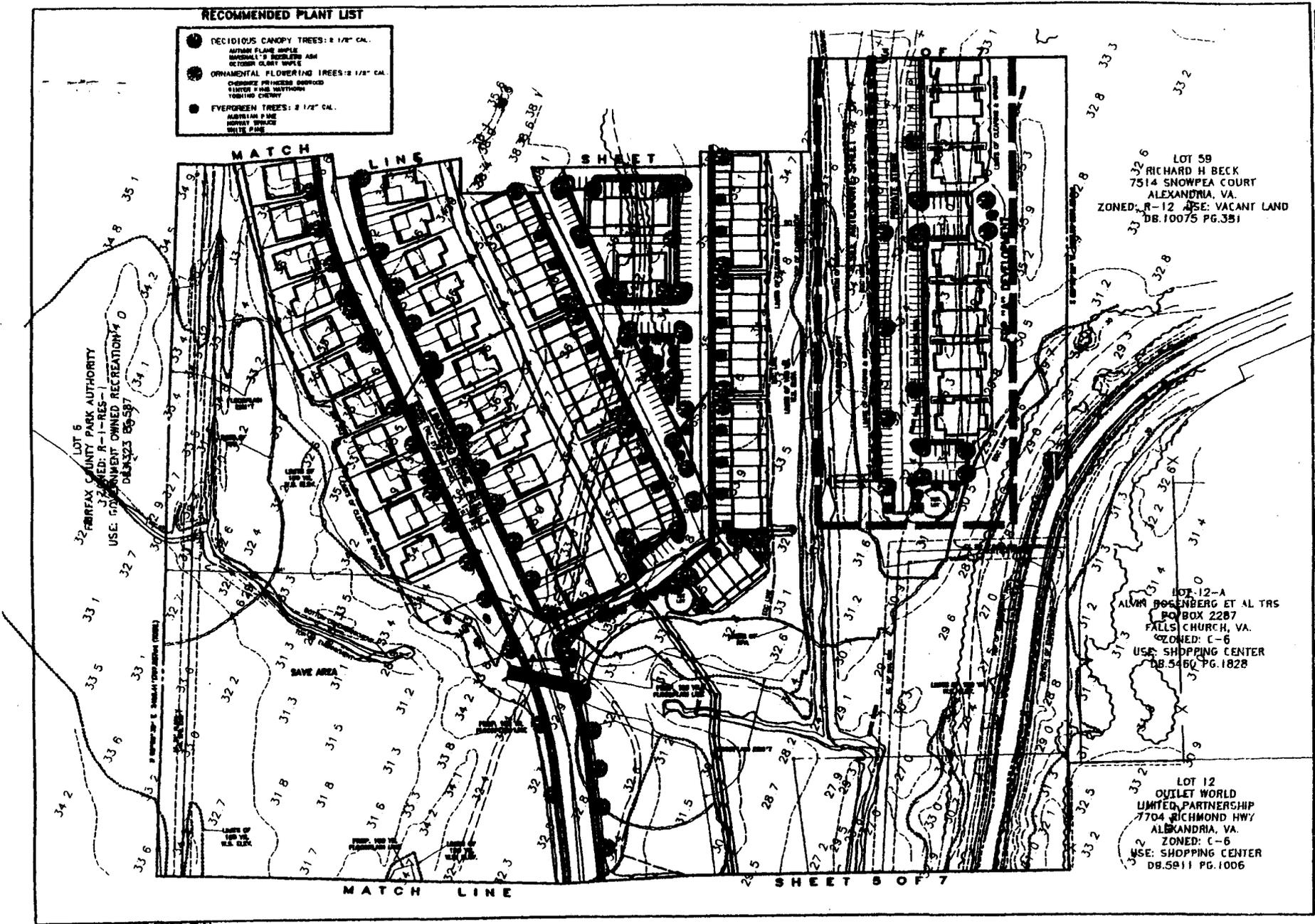


HYBLA VALLEY
LIFE DISTRICT
FAIRFAX COUNTY, VIRGINIA
CSP/TPD

DATE: 11-10-10
SCALE: 1" = 20'
SHEET: 3 OF 7
PROJECT: HYBLA VALLEY LIFE DISTRICT

RECOMMENDED PLANT LIST

- DECIDUOUS CANOPY TREES: 2 1/2" CAL.
 ATLANTIC PLANE SWEEP
 NORTON'S 2' TWIGLESS AM
 OCTOBER GLORY MAPLE
- ORNAMENTAL FLOWERING TREES: 2 1/2" CAL.
 OYSTER BLOSSOM ANEMONE
 SILVER KING HYDRANGEA
 YOSHINO CHERRY
- EVERGREEN TREES: 2 1/2" CAL.
 NORFOLK ISLAND
 HENRY WOOD
 WHITE PINE



LOT 59
 RICHARD H BECK
 7514 SNOWPEA COURT
 ALEXANDRIA, VA.
 ZONED: R-12 USE: VACANT LAND
 DB.10075 PG.381

LOT 12-A
 ALVIN ROSENBERG ET AL TRS
 PO BOX 2287
 FALLS CHURCH, VA.
 ZONED: C-6
 USE: SHOPPING CENTER
 DB.5460 PG.1828

LOT 12
 OULLET WORLD
 LIMITED PARTNERSHIP
 7704 RICHMOND HWY
 ALEXANDRIA, VA.
 ZONED: C-6
 USE: SHOPPING CENTER
 DB.5911 PG.1006

Huntley, Nyce & Associates, L.P.
 1000 ...
 47

HYBLA VALLEY
 LEE DISTRICT
 FARMEX COUNTY, VIRGINIA
 COP/70P

MATCH LINE

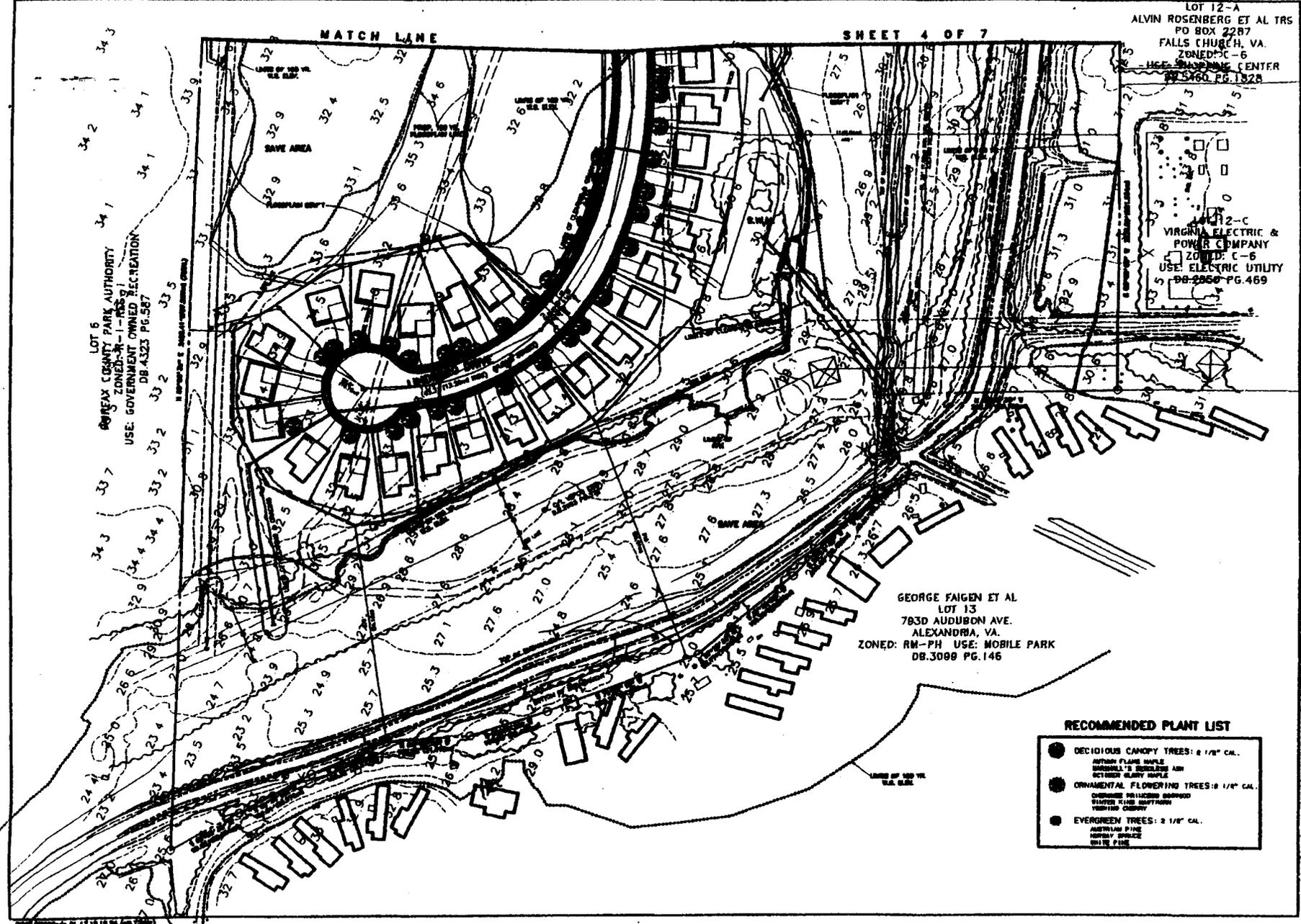
SHEET 4 OF 7

LOT 12-A
ALVIN ROSENBERG ET AL TRS
PO BOX 2287
FALLS CHURCH, VA.
ZONED: C-6
USE: SHOPPING CENTER
DB 5760 PG 1928

LOT 12-C
VIRGINIA ELECTRIC &
POWER COMPANY
ZONED: C-6
USE: ELECTRIC UTILITY
DB 2850 PG 469

GEORGE FAIGEN ET AL
LOT 13
783D AUDUBON AVE.
ALEXANDRIA, VA.
ZONED: RM-PH USE: MOBILE PARK
DB.3088 PG.146

LOT 6
GREYX CEMETARY PARK AUTHORITY
ZONED: R-1-RS 9.1
USE: GOVERNMENT OWNED RECREATION
DB 4323 PG 567



RECOMMENDED PLANT LIST

- DECIDUOUS CANOPY TREES: 2 1/2" CAL.
NORFOLK PLANE W/PLE
SHRUBB'S BUBBLEBAY
BETWEEN SLAVY W/PLE
- ORNAMENTAL FLOWERING TREES: 2 1/2" CAL.
ORANGE BLOSSOM BLOSSOM
SHRUB KIM BLOSSOM
TERRACE COUNTRY
- EVERGREEN TREES: 2 1/2" CAL.
AUSTRALIAN PINE
HAWAII SPRUCE
WHITE PINE



HYBLA VALLEY
LIE DISTRICT
FAIRFAX COUNTY, VIRGINIA
COP / PDP

SCALE	1" = 40'
DATE	08-01-88
PROJECT	12-C
CLIENT	VIRGINIA ELECTRIC & POWER COMPANY
DESIGNER	HUNTLEY, NYE & ASSOCIATES, LTD.
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

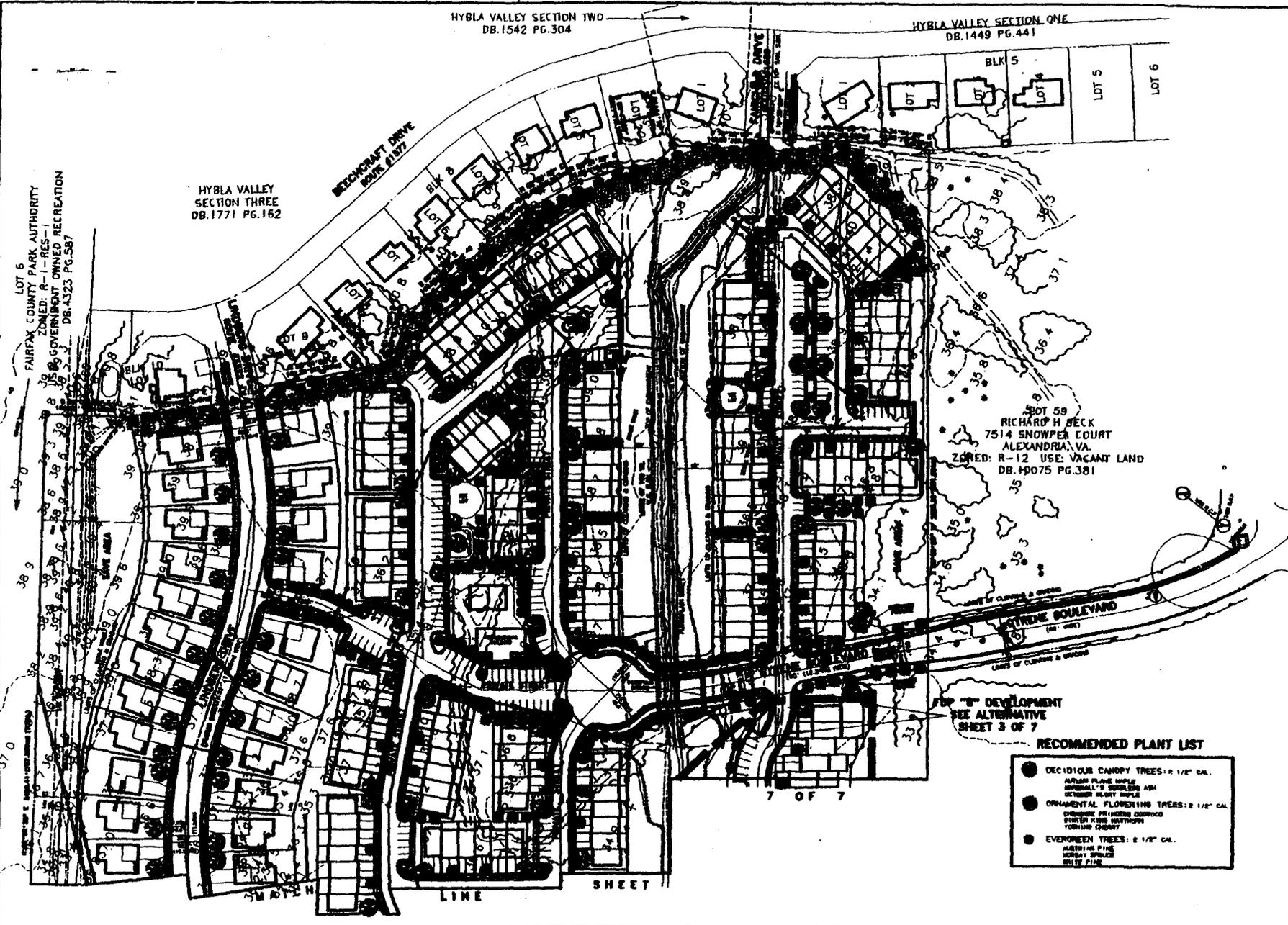
SHEET 4 OF 7
FILE NO. 7-10

HYBLA VALLEY SECTION TWO
DB.1542 PG.304

HYBLA VALLEY SECTION ONE
DB.1449 PG.441

HYBLA VALLEY
SECTION THREE
DB.1771 PG.162

LOT 6
FAIRFAX COUNTY PARK AUTHORITY
ZONED: R-1-RES -
GOVERNMENT OWNED RECREATION
DB.4323 PG.587

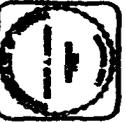


LOT 59
RICHARD H BECK
7514 SNOWPEA COURT
ALEXANDRIA, VA.
ZONED: R-12 USE: VACANT LAND
DB.#0075 PG.381

FOR "B" DEVELOPMENT
SEE ALTERNATIVE
SHEET 3 OF 7

RECOMMENDED PLANT LIST

- DECIDUOUS CANOPY TREES: 8 1/2" CAL.
ARJUN PLANE WUPLE
BONBALL'S SIBIRIAN ASH
KICHOVA ELBY WUPLE
- ORNAMENTAL FLOWERING TREES: 8 1/2" CAL.
SPRING PRINCE ORNICO
STARBUSS WUPLE
YOUNG ORNICO
- EVERGREEN TREES: 8 1/2" CAL.
AUSTRIAN PINE
MORAY SPRUCE
GRUE PLUM



HYBLA VALLEY
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

COP/FPD

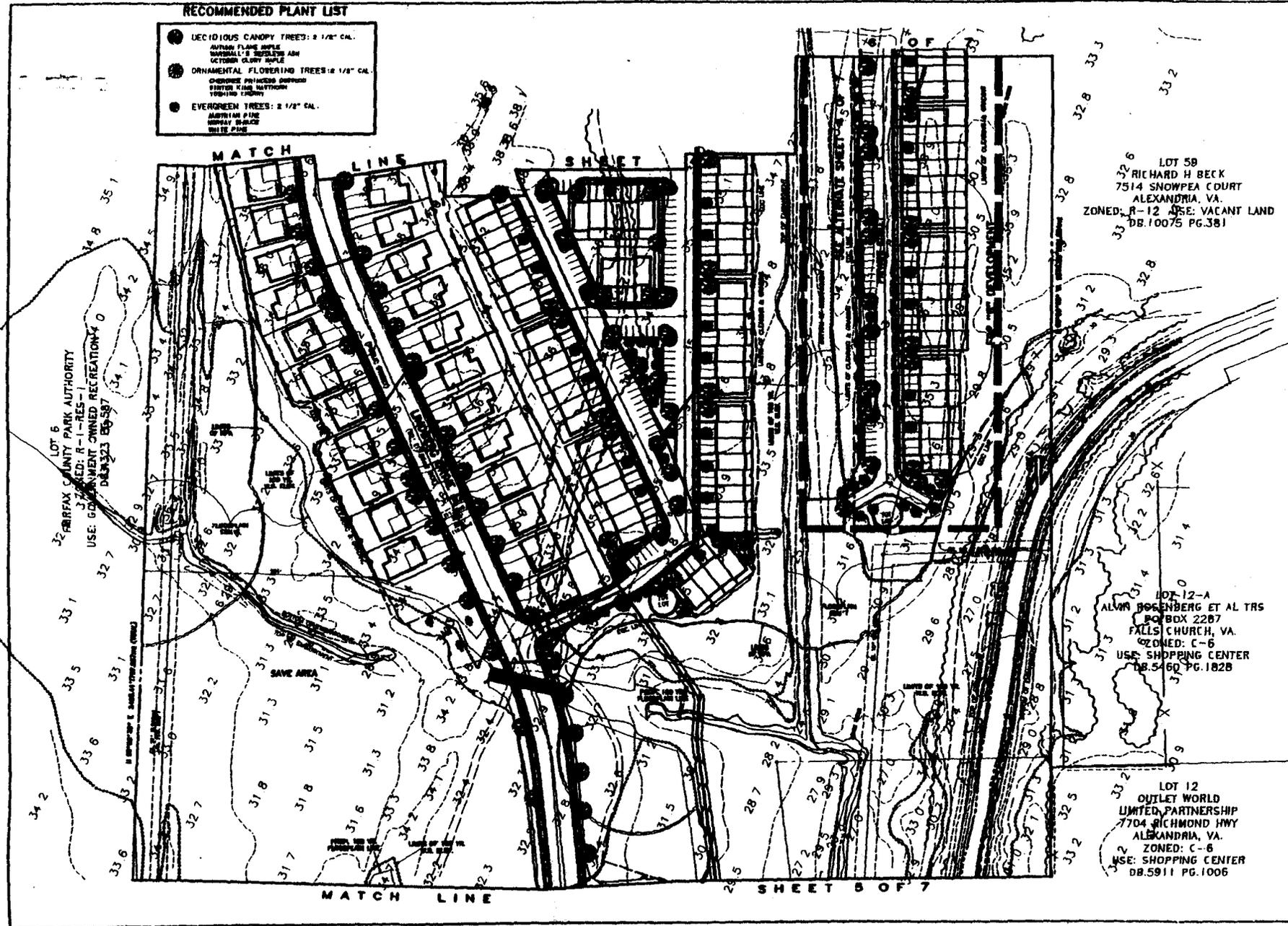
SCALE	1" = 20'
DATE	08-21-08
PROJECT	HYBLA VALLEY
CLIENT	FAIRFAX COUNTY
DESIGNER	HUNTLEY, HYES & ASSOCIATES, LTD.
DATE	08-21-08

SHEET
6 OF 7
FILE NO.
P. 1000

7/20/08/08/08 R. 3314/08/07 (A. 15/08)

RECOMMENDED PLANT LIST

- DECIDUOUS CANOPY TREES: 2 1/2" CAL.
 AMERICAN PLANE SPRUCE
 NORWAY SPRUCE
 OXYSPHERE
 OCTOBER GLORY MAPLE
- ORNAMENTAL FLOWERING TREES: 2 1/2" CAL.
 ORNAMENTAL PRINCE OF ORANGE
 STARBUCK
 YOSHINO CHERRY
- EVERGREEN TREES: 2 1/2" CAL.
 AMERICAN PINE
 NORWAY SPRUCE
 WHITE PINE



LOT 6
 FAIRFAX COUNTY PARK AUTHORITY
 ZONED: R-1-RES-1
 USE: GOVERNMENT OWNED RECREATION
 DB.523 PG.587

LOT 58
 RICHARD H BECK
 7514 SNOWPEA COURT
 ALEXANDRIA, VA.
 ZONED: R-12 USE: VACANT LAND
 DB.10075 PG.381

LOT 12-A
 ALVA BOSENBERG ET AL TRS
 PO BOX 2287
 FALLS CHURCH, VA.
 ZONED: C-6
 USE: SHOPPING CENTER
 DB.5460 PG.1828

LOT 12
 OUTLET WORLD
 LIMITED PARTNERSHIP
 7704 RICHMOND HWY
 ALEXANDRIA, VA.
 ZONED: C-6
 USE: SHOPPING CENTER
 DB.5911 PG.1006



HYBLA VALLEY
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 COP/70P



7 of 7
 7/2000

**SCOTT MANAGMENT
PROFFERS
FOR THE HYBLA VALLEY PROPERTY
RZ 1998-LE-055
~~{June 21}~~ [August 3], 2000**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 92-4-((1))-58 and 101-2-((1))-11A (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said rezoning request for the PDH-8 District is granted. In the event said application request is denied, or **withdrawn**, these proffers shall be null and void. The Applicant and the Owner (hereinafter collectively "Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant and the Owner further agree that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property.

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the submitted Conceptual Development Plan ("CDP") and Final Development Plan ("FDP") containing 7 sheets and prepared by Huntley, Nyce & Associates, Ltd. dated August 4, 1998 and revised through

2. The development shall consist of a maximum of 345 residential units (70 single family detached dwellings, 191 single family attached dwellings and 84 multi-family units). In the event the property is developed under the alternate CDP/FDP described on Sheets 6 & 7, the maximum number of attached single family dwellings may be increased to 219, with no multi-family units, such that the total number of units would decrease to 289. The size, width, and location of the lots and building footprints shown on the CDP/FDP are conceptual and the Applicant reserves the right to modify the size and location of the lots and building footprints, or develop a lesser number of lots, in accordance with the requirements of Section 18-204 of the Zoning Ordinance. Single Family attached units shown on the CDP/FDP as garage units may be developed with or without garages at the discretion of the Applicant. In the event garage units are converted to non-garage units, the Applicant shall demonstrate that at minimum parking requirements are fulfilled. The number of street trees shall not be reduced, but may be relocated in order to provide additional parking if units are constructed without garages. The Applicant may reduce the total number of single family attached units as needed to meet parking requirements for additional non-garage units, provided that any such reduction shall be in substantial conformance with the CDP/FDP. Landscape typicals shown on Sheet 1 of the CDP/FDP are to be used as indicators of the proffered landscape concepts. Modification to the shape, configuration and dimensions of units, peripheral setbacks and similar features may be permitted under Section 18-204 of the Zoning Ordinance.

3. Prior to bond release, the stub of Fairchild Drive shall be addressed in one of the following manners: (1) the Applicant shall pursue the vacation of that portion of Fairchild Street which stubs into the application site on its northern property line, (2) the Applicant shall construct a permanent terminus of the street, to the satisfaction of VDOT and DPWES, or (3)

other means as determined appropriate by DPWES. The provision of such a terminus shall not degrade the amount of transitional screening required along the site's northern periphery.

4. For those units whose rear yards are located parallel to the required transitional screening yards along the northern boundary of the property, the installation of rear privacy fences may be used in lieu of the barrier identified on the CDP/FDP.

5. Prior to site plan approval, the Applicant shall establish a homeowners association for the purpose of maintaining common areas and private streets within the approved development. In conjunction with the appropriate site plan review processes, private streets, common areas[, **open space not dedicated to the Board of Supervisors pursuant to Proffer 36**] and recreation facilities shall be dedicated to the homeowners association.

6. The Applicant shall subject all private streets in the community to a public access easement in order to allow ingress/egress to and from both Cyrene Boulevard and Lindberg Drive through the Property, except as may be restricted by the CDP/FDP. Said easement shall be of a content and form approved by the County Attorney.

7. The Applicant shall include language in its Declaration of Covenants, Conditions and Restrictions which: (a) discloses the existence of the public access easement required by Proffer 6; (b) prohibits the conversion of garages into any primary use other than the parking of vehicles; and (c) discloses the existence of private streets throughout the community. The appropriate homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets and recreation facilities. The Declaration of Covenants, Conditions and Restrictions shall be in a form approved by the County Attorney.

8. The private streets on the Application Property shall be constructed with a pavement section, thickness and material which conforms with Public Facilities Manual (PFM) standards

as determined by the Department of Public Works and Environmental Services (DPWES).

9. Purchasers shall be advised in writing prior to entering into a contract of sale of the existence of: (1) the public access easement through the Property; (2) the existence of private streets within the community, and that the homeowners association shall be responsible for the maintenance of all the private streets in the development; and (3) the prohibition on conversions of garages to any primary use other than parking.

10. A minimum of one (1) playground shall be provided on the application site in lieu of one (1) tot-lot as shown on the CDP/FDP. The required playground shall be of a size equivalent to the area of the tot lot shown on the CDP/FDP.

11. Along the site's western property line, metal signs shall be posted at a minimum height of six (6) feet at 300' intervals which delineate the abutting Huntley Meadows Park boundary.

12. At the time of site plan review, a minimum of one (1) seating area and/or other passive recreation areas shall be incorporated into each land bay (as defined in Proffer 13 below) of the approved residential development.

13. A consistent and/or unified architectural approach and appearance shall be employed within each land bay, as depicted on the development's composite view on Sheet 1 of the CDP/FDP. The single family detached units, which are not identified in a specific land bay, shall be considered a single land bay. The exterior façade of each approved unit shall incorporate at least three of the following design elements: (a) brick or natural appearing stone on a portion of the façade; (b) brick, stone or similar trim material; (c) hard board or cementitious siding; (d) shutters and/or similar decorative exterior window treatments; (e) decorative window styles to include, but not be limited to: Palladian type windows, French Doors or similar

treatments; (f) decorative exterior lighting, hardware and accent elements; (g) incorporation of dormers on roof lines; (h) incorporation of front porches.

14. The entrance features shown on the CDP/FDP shall be predominantly faced with natural wood, brick, stone or similar material. Complimentary landscaping shall be incorporated into the design of each entrance feature.

15. In order to permit exterior maintenance, a minimum distance of six (6) feet shall be maintained between single family detached residential units and groupings of townhomes.

16. To protect against future stream bank erosion in the existing open ditch which runs generally north/south through the application property, prior to site plan approval, the Applicant shall post a bond in the amount of \$25,000, which shall be held for the duration for the control period (as defined herein) to provide for potential remediation of stream bank erosion in the north/south ditch. Prior to approval of the first site plan, the Applicant shall submit a stream monitoring plan for the review and approval of DPWES and the Northern Virginia Soil and Water Conservation District (NVSWCD). This plan shall provide for the documentation of the existing location, condition, cross section and thalweg (deepest part of stream channel) of the stream with photos, topographic sectional surveys and narrative statements describing the status of the stream channel as determined necessary by DPWES and NVSWCD and shall provide details regarding monitoring efforts described below. Within the stream monitoring plan, the Applicant shall further document assumptions regarding off-site land uses and development patterns so as to provide the ability to ascertain how future and unanticipated off-site changes might affect the flow of water in the north/south ditch. To assure survey and documentation consistency over time, concrete monuments shall be placed at or near the top of bank on both sides of selected stream survey locations. These monuments shall provide a means to connect a

survey tape line across the stream between markers. Sixteen cross sections shall be established along the 1,650 foot section (herein the "monitored section") beginning at the northern property line at locations to be determined at or prior to site plan approval in locations mutually acceptable to Northern Virginia Soil and Water Conservation District (NVSWCD), DPWES and the Applicant. Said locations shall be placed in areas expected to have a potential for stream instability. Locations and cross sections shall be documented in the stream monitoring plan. Starting at the time the first storm sewer pipe conveying drainage from the site into the north/south ditch is constructed, and extending five (5) years from the completion date of the Applicant's on-site improvements which drain into the north/south ditch (herein known as the control period), the Applicant shall implement the stream monitoring plan by monitoring the stream for potential changes in the cross section or thalweg twice a year until two years after the completion date and once a year for each year thereafter, so as to confirm that within the monitored section and at the individual monitoring stations, the cross section (measured vertically from the ground surface to the tape line between the various concrete monument stations) has not changed by more than 10% and that the stream's thalweg (the deepest part of the channel) has not moved in an amount greater than three (3) feet from that which existed prior to the commencement of construction. For each required monitoring increment, a report of findings shall be forwarded to DPWES, NVSWCD, and the Department of Planning and Zoning (DPZ). In the event the required monitoring within the control period demonstrates that within the monitored section and at any individual monitoring station, the cross section has increased by more than 10% and that, a greater than three (3) foot movement of the stream's thalweg has occurred, the Applicant shall, if determined to be appropriate by DPWES in coordination with NVSWCD, restore the stream channel to a condition that will accommodate changes in stream

hydraulics and hydrology as approved by DPWES and in coordination with NVSWCD. In the event it can be demonstrated to the satisfaction of DPWES and NVSWCD that erosive conditions are resulting from increases in flow of water from changed or unanticipated off-site conditions from that which existed at the time of site plan approval, the Applicant's responsibility for corrective restoration and/or stabilization measures shall be established on a pro-rata basis as determined by DPWES in coordination with NVSWCD. In this event, the Applicant shall provide information, for DPWES approval in coordination with NVSWCD, documenting the dollar value of restoration and/or stabilization efforts that would be needed to address that proportion of the erosive conditions that will have been caused by the Applicant's activities. As determined by DPWES, the pro-rata responsibility may take the form of: (1) a monetary contribution of the dollar value determined through the process outlined above; (2) On-site restoration and/or stabilization efforts commensurate with the erosion impacts that are attributable to the Applicant's activities; or (3) a combination of on-site restoration and/or stabilization efforts and a monetary contribution, the total of which shall be commensurate with the erosion impacts that are attributable to the Applicant's activities. If on-site corrective actions are taken, the Applicant shall ensure, to the satisfaction of DPWES in coordination with NVSWCD, that the efforts that are pursued are those that are of the highest priority. To the extent possible, as determined by DPWES, in coordination with NVSWCD, restoration and stabilization measure shall incorporate bio-stabilization or bio-engineering processes to include, but not be limited to, stabilization, regrading, or revegetation with native species. In the event restoration and/or stabilization is required within the control period, the control period shall be extended so as to require two (2) years of additional monitoring of all cross sections within and near the stabilized and/or restored areas, as determined by DPWES and NVSWCD, after

installation of the required corrective stabilization measures installed consistent with the methodology described herein.

17. For those preserved areas on either side of the north/south open ditch, the Applicant shall provide for the clearing and removal of vines and related undergrowth that threaten those trees and related vegetation deemed worthy of preservation by a certified Arborist retained by the Applicant, in consultation with the County Urban Forester. Only hand and/or hand power tools shall be used to complete this task. Prior to first site plan submission, the Applicant shall retain the services of a certified arborist to prepare a plan for removal of such vines and undergrowth. This plan shall be subject to review and approval by the County Urban Forester at the time of first site or subdivision plan submission, whichever comes first.

18. As part of the exotic vine/shrub removal plan described in Proffer 17, trees shall be planted in canopy gaps which measure greater than four-hundred (400) square feet in area after removal operations are complete, a minimum of one (1) tree per four hundred (400) square foot gap shall be planted. All planting areas shall be identified by the Applicant's Certified Arborist, and all trees to be planted should be balled and burlapped stock with a minimum caliper of two (2) to two and a half (2 1/2) inches for deciduous trees, or six (6) feet in height for evergreens. Trees suitable for planting include oak, maple, hickory, holly or other native species as approved by the Urban Forester, DPWES.

19. The Applicant shall design the site in a manner that maintains wetland hydrology in wetlands on this site that are preserved within areas to be protected by limits of clearing and grading as shown on the Final Development Plan, recognizing that some wetlands in unprotected areas may be filled subject to applicable U.S. Army Corps of Engineers (COE) and Department of Environmental Quality (DEQ) regulations). Each subdivision and/or site plan section

submitted to DPWES shall have an analysis, for the review and approval of DPWES in coordination with DPZ of the hydrology of preserved wetlands, if any, on or adjacent to the applicable plan area that demonstrates that the total volume of water flowing to said wetlands over a year of typical precipitation is substantially the same ($\pm 10\%$) in pre and post-development conditions. This analysis shall further document whether ground water is a significant source of water for the wetland areas being analyzed. Said analysis shall be performed and certified by an experienced wetlands professional who is a Professional Engineer licensed in the Commonwealth of Virginia and a Professional Wetlands Scientist certified by the Society of Wetlands Scientists, as may be acceptable to DPWES.

20. The Applicant shall remove garbage and construction debris from the site, including all areas to be protected by limits of clearing and grading shown on the Final Development Plan. Any such removal shall be conducted in a manner that minimizes any disruption of existing vegetation, subject to the approval of the Urban Forestry Division. At the first site/subdivision plan submittal, whichever comes first, the applicant shall include a narrative in the landscape/tree preservation plan to be reviewed and approved by the Urban Forestry Division, which details the methods to be used for removal of debris. All debris removal operations shall be supervised by the Applicant's certified arborist to ensure minimal disturbance of trees and other vegetation.

21. Prior to the issuance of the first Residential Use Permit on the property, and as determined by DPWES in coordination with the Northern Virginia Soil and Water Conservation District, the Applicant shall remove any existing obstructions from the southern portion of the north/south ditch (downstream of the monitored section identified in proffer 16). Removal of such obstructions shall be accomplished in the least disruptive manner possible, subject to the approval of the Urban Forestry Division. Removal of any obstructions that require clearing and

the use of heavy equipment shall be shown on the site plan with limits of clearing for access clearly demarcated with standard orange tree protection fence. Smaller obstructions shall be removed by hand or pulling with the equipment located outside the buffer area, such efforts need not be identified on the site plan. During obstruction removal, the Applicant's Certified Arborist shall be present to monitor and ensure that any tree cover within the stream buffer is not damaged or destroyed during these operations. The Urban Forestry Division shall be notified at least twenty four (24) hours in advance of any obstruction removal activity and shall be afforded the opportunity to be present when such activities are pursued. Any clearing of paths or removal of trees within the area shown on the CDP/FDP to be preserved shall be reforested as specified in the PFM or as otherwise approved by the Urban Forestry Division.

22. Outfall locations are conceptual. At the time of site plan review and approval, the final location and direction of the outfall devices shall be designed to minimize the potential for stream channel erosion as determined by DPWES in coordination with the Northern Virginia Soil and Water Conservation District through the use of technologies to include but not be limited to lengthening the outfall pipe or strategically orienting its angle of entry.

23. At the time of site plan submission, an updated soils and geotechnical analysis shall be submitted which provides and confirms final design and construction methods **[based on the final site design]**. The outcome of such analysis shall be implemented as required by DPWES and the Geotechnical Review Board. Upon conveyance of each dwelling unit, the Applicant shall provide to initial purchasers a ten (10) year warranty against foundation defects from a licensed insurer. Such initial warranty shall be transferable by the initial purchaser to subsequent purchasers. Prior to the issuance of a residential use permit (RUP) for any unit evidence of the satisfaction of the warranty requirement shall be provided to DPWES.

24. In order to insure that the updated soils and geotechnical analysis required by this proffer is responsive to documented and anticipated soils conditions, the development of the property shall include the following[,] if determined appropriate by the Geotechnical Review Board and/or DPWES upon receipt and review of final soils and geotechnical analysis.

- (a) For any area of the site containing uncontrolled fill in the event fill depths are three feet or less below design slab or foundation subgrades, affected soils ~~{may}~~ **[shall]** be proof-rolled and confirmed as suitable by the Fairfax County Geotechnical Review Board, or in the alternative, be addressed by **[undercut and]** replacement with structural fill ~~{and}~~ **[or]** other means approved by DPWES and/or the Geotechnical Review Board.
- (b) If deeper uncontrolled fills (exceed three feet below design slab or designed foundation subgrade) or soft natural soils remain at the site in any structural area, roadway, utility alignment or building, such conditions shall be addressed by either undercut and replacement with structural fill, **[pile or pier foundations,]** or other means of improvements in a manner approved by DPWES and/or the Geotechnical Review Board.
- (c) In the event final soils and geotechnical review identifies soft materials in the area occupied by structures, roads, or utilities, which, in the opinion of the Geotechnical Review Board would cause **[excessive]** settlement of existing natural soils or fills, particularly differential settlements of utilities and buildings, such conditions shall be addressed by engineering methods **[described in the geotechnical engineers final**

analysis and] approved by the Geotechnical Review Board.

- (d) For any unit proposing to include basement space, it shall be demonstrated to the satisfaction of the Geotechnical Review Board and/or DPWES that the proposed basement is compatible with ground water and perched water conditions. Any proposed basements **[located within Type B soils]** shall be further subject to damp proofing or water proofing requirements on a unit by unit basis in accordance with ~~the requirements imposed~~ **[detail provided by the geotechnical engineer and reviewed and approved]** by the Geotechnical Review Board and/or DPWES.

In the course of its review of the final soils and geotechnical analysis, the Geotechnical Review Board and/or DPWES may require these or other construction methods deemed necessary to reasonably provide site or foundation stability within the required ten (10) year warranty period prescribed by proffer 23 above.

25. The Applicant and on-site contractors and consultants shall remain observant for subsurface debris, abandoned underground storage tanks, and/or other conditions which suggest contamination of soils in the work area (e.g., discolored soils, chemical odors) throughout all phases of the site development. Should observations reveal the presence of subsurface debris that is not clearly inert, abandoned underground storage tanks, and/or the potential for contaminated soils, all earthwork and construction activities within the affected area shall cease immediately and shall not resume until the Applicant demonstrates, to the satisfaction of DPWES in coordination with the Fire and Rescue Department and Department of Health, that continuation of construction will not result in any short or long term adverse health or

environmental impacts. Written information on this matter shall be provided to all construction crews and field workers.

26. Stormwater management/BMPs shall be provided for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved by DPWES. If a structural pond is required it shall be designed as a BMP facility. In order to restore a natural appearance to any required stormwater management pond, a landscape plan shall be submitted as part of the first submission of the site plan showing extensive landscaping with native species in possible planting areas of the pond in keeping with the planting policies of DPWES.

27. The discharge process for the swimming pool, if any, shall conform with the following guidelines:

- (a) All waste water resulting from the cleaning and draining of the pool shall meet the appropriate level of water quality prior to discharge. The Applicant shall follow procedures established to ensure that pool water is properly neutralized prior to being discharged during draining or cleaning operations. The recommended method involves adding sufficient amounts of lime or soda ash to the acid cleaning solution to achieve a pH approximately equal to that of the receiving stream. Virginia water quality standards require pH discharges into most receiving waters to fall between 6.0 and 9.0. In addition, the standard for dissolved oxygen shall be attained prior to the release of pool water. This requires a minimum concentration of 4.0 milligrams per liter.
- (b) If the water being discharged from the pool is disclosed or contains a high

level of suspended solids that could affect the clarity of the receiving stream, it will be allowed to stand so that most of the solids settle out prior to being discharged.

- (c) In order to ensure that high levels of chlorine are not discharged into the surface water system, pool water shall not be chlorinated prior to backwashing and/or discharge.

28. All private lots shall be located outside the limits of the final boundaries of the flood plain areas as approved by DPWES. In the event the final approved flood plain areas necessitates a smaller developed area of the property, the lots may be reconfigured or reduced in number in connection with the subdivision/site plan review process, provided that any such revision shall be in substantial conformance with that shown on the CDP/FDP. In the event it is determined by DPZ that any such revision is not in substantial conformance with the approved CDP/FDP a proffer condition amendment application or final development plan amendment application shall be required. In the event the final approved flood plain limits are different from that shown on the CDP/FDP the corresponding limits of clearing and grading on the CDP/FDP shall be adjusted accordingly **[to ensure that all private lots are located outside the approved flood plain area.]**

29. Landscaping shall be provided in substantial conformance with the quality and quantity of plantings identified in the landscaping concepts shown on the CDP/FDP. Trees identified on the CDP/FDP as large deciduous trees shall have a minimum caliper of 2 1/2 inches and large evergreen trees shall have a minimum planted height of six (6) feet. The specific type, number and placement of plantings and landscaping shall be determined at the time of site plan approval, subject to review and approval of a landscape plan by the Urban Forester, DPWES,

submitted with the first site plan submission. Landscaping shown on the CDP/FDP may only be removed when such removal is determined by DPWES, in coordination with the Urban Forestry Division, to be necessary in order to locate necessary utility lines, trails, parking areas, etc. If any such landscaping is removed, then one or more areas of additional landscaping of equivalent value, as determined by Urban Forester, DPWES, shall be substituted at one or more alternate locations on the site. A minimum of twenty five (25') feet of transitional screening shall be maintained along the northern periphery of the site. Within the area to be protected by the limits of clearing shown on the CDP/FDP, there shall be no clearing or grading with the exception of that required to install trails, utility lines, storm sewer outfalls/pipes as determined to be necessary by DPWES, or roads shown on the CDP/FDP. Any clearing or grading required for these facilities shall be done in the least disruptive, but practical, manner possible, as determined by DPWES in coordination with the Urban Forestry Division. To the extent feasible, as determined by the Urban Forestry Division, such areas shall be replanted with native species of trees, consistent with PFM guidelines for replanting, or through an alternative approach approved by the Urban Forestry Division.

30. Subject to the approval of the Urban Forestry Division and/or DPWES, the Applicant shall perform the following measures relating to tree preservation in areas outside the identified limits of clearing and grading on the property:

- (a) For the purposes of maximizing the preservation of trees in common areas and on individual lots, the Applicant shall prepare a tree preservation plan which shall include three items: (1) a tree survey; (2) a tree condition analysis as discussed in paragraph (b) below; and (3) a description of prescribed treatments to be performed prior to initial clearing and grading

through the time of final bond release to ensure long term tree preservation. Treatments may include, but not be limited to, pre-construction root pruning and crown pruning, crown cleaning, vertical and horizontal mulching and protective fencing. The tree preservation plan shall be submitted to the Urban Forestry Division of DPWES for review and approval as part of the first site plan submission

- (b) The tree preservation plan shall include a tree condition analysis, prepared by an arborist certified by the International Society of Arboriculture, for all existing specimen trees and all trees 12 inches in diameter and larger whose trunks lay within 20 feet of either side of the western boundary of the property limits of clearing and grading as depicted on the CDP/FDP. The certified arborist shall conduct the condition analysis, using the method described in the "Guide for Plant Appraisal," eighth edition, published by the International Society of Arboriculture. This information shall be provided as part of the tree preservation plan.
- (c) After completion of the condition analysis, the certified arborist shall consult with the Applicant's design engineer to determine the final limits of clearing in a way that maximizes opportunities for tree preservation. The final placement of all utilities including public and private utilities, shall be considered at this time.
- (d) All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence, silt fence or diversion dikes. Tree protection fencing consisting of a four (4) foot high, orange plastic fence,

which is attached to six (6) foot high steel posts that are driven eighteen (18) inches into the ground and placed no further than six (6) feet apart, and shall be erected at the limits of clearing and grading, and shall be shown on the Phase I and II Erosion and Sediment Control Sheets of the site plan which represent all tree shave areas identified on the CDP/FDP. The tree protection fencing shall be made clearly visible to all construction personnel. Prior to the commencement of any clearing, grading, or demolition activities, the project's Certified Arborist shall verify, in writing, that the tree protection fence has been properly installed. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made, through the submission and approval of the tree preservation plan, are fulfilled.

31. The Applicant shall provide Affordable Dwelling Units (ADUs) in accordance with the requirements of Article 2 of the Zoning Ordinance. In the event that, prior to issuance of a building permit for approval of units in any section of the approved development, the Board of Supervisors amends the current Zoning Ordinance requirements for fulfilling affordable housing objectives, the Applicant reserves the right to comply with the Ordinance requirements in effect at that time.

In the event the requirements of the ADU Ordinance change in a way that requires fewer ADU units, units currently allocated to the ADU program may be converted to market rate units if in substantial conformance with the CDP/FDP. If in substantial conformance with the CDP/FDP, such conversion shall not require a PCA amendment application.

32. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

33. At the time of subdivision plan review, the Applicant shall demonstrate that the proposed on-site recreational amenities generally shown on the CDP/FDP have a value equivalent to \$955.00 per market rate dwelling unit as required by Article 6 of the Zoning Ordinance. In the event it is determined that the proposed facilities do not have sufficient value, the Applicant shall have the option to: (1) provide additional on-site recreational amenities within open space areas shown on the CDP/FDP, if it is determined that the location of such would be in substantial conformance with the FDP; or (2) contribute necessary funds to the Fairfax County Park Authority for off-site recreational purposes **[in locations within Lee District that can reasonably be expected to serve the future residents of the approved development]**, in accordance with Section 16-404 of the Ordinance.

The Applicant reserves the right, at subdivision/site plan review to replace the swimming pool shown on the CDP/FDP with alternative recreational facilities to include, but not be limited to, a gymnasium, tennis courts or health and/or fitness center.

34. At the time of approval of the first site or subdivision plan for the property, the Applicant shall escrow funds in the amount of \$10,000.00 to be used for: (1) re-timing of the traffic signals located at: Fordson Road and Lockheed Boulevard; Route 1 and Boswell Road; and Route 1 and Lockheed Boulevard; or (2) restriping or making improvements at these three intersections, or other intersections that serve the application property.

35. At the time of approval of the first site or subdivision plan for the Property, the Applicant shall escrow funds in the amount of \$20,000.00 to be used toward the future

construction, by others, of road or streetscape improvements in the Route 1 corridor. In the alternative, in lieu of this requirement to escrow funds, subject to approval by DPWES and VDOT, the Applicant may fulfill the requirements of this proffer by making improvements to Cyrene Boulevard, to include, but not be limited to traffic calming devices. The value of any such improvement shall be a credit against the amount required to be escrowed, as determined by DPWES.

[36. At the time of approval of the subdivision plan for the single family detached units, the Applicant shall dedicate to the Board of Supervisors, at no cost and in fee simple, those open space areas adjacent to Huntley Meadows Park as generally described on Exhibit A attached hereto. Prior to the actual dedication, the Applicant reserves the right to install any public utilities within the dedicated area in accordance with the requirements of these proffers. The Applicant shall be entitled to density credit in accordance with Article 2 of the Zoning Ordinance. In the event the Board of Supervisors or its agents decline to accept this dedication of land, those areas identified on Exhibit A shall be converted to the future homeowners association and preserved in accordance with the requirements of the proffers.]

37. At the time of final subdivision/site plan approval, the amount of all escrowed funds or monetary contributions required by these proffers shall be adjusted upward or downward to account for any changes to the Construction Cost Index published in the Engineering News Record that have occurred subsequent to the date of rezoning approval.]

Title Owner:

Hybla Valley Property, L.L.C.

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FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, OCP

SUBJECT: 2nd ADDENDUM to the ENVIRONMENTAL ASSESSMENT for:
RZ/FDP 1998-LE-055, Hybla Valley

DATE: 30 August 2000

This memorandum, prepared by Noel Kaplan, is a second addendum to the Environmental Assessment (EA) dated January 27, 1999. The first addendum was dated August 25, 1999. Comprehensive Plan citations were provided within the EA and are not repeated herein. This report references the development plans and draft proffers dated June 21, 2000. The EA made reference to several streams/drainage channels on the property. The labels used to describe these streams within the EA are also used within this addendum.

100-Year Floodplain

The first addendum to the EA noted that the applicant had submitted a floodplain study to the Department of Public Works and Environmental Services (DPWES) but that the DPWES review had not yet been completed. The DPWES review of the floodplain study (which addresses both the existing 100-year floodplain and the 100-year floodplain as it will be affected by the proposed extension of Lindberg Drive) is now complete. In general, the approved study displays floodplain boundaries that are consistent with those shown on the development plan. However, in the area to the south and southwest of the proposed culverts under the Lindberg Drive extension, the approved floodplain boundaries (and the post-development floodplain boundaries in particular) are slightly more extensive than the boundaries shown on the development plan. A small number of proposed lots to the north of the proposed Lindberg Drive cul-de-sac would encroach into the approved floodplain boundaries.

It is the view of this Branch that the entirety of the 100-year floodplain should be incorporated within Environmental Quality Corridor (EQC) areas. As such, this Branch would not support the expansion of the geographic extent of the 100-year floodplain such that private lot areas would be located within the floodplain (either existing or post-development) or such that clearing or grading will be needed in floodplain areas, with one

PROPOSED DEVELOPMENT CONDITIONS

September 14, 2000

FDP 1998-LE-055

If it is the intent of the Planning Commission to approve Final Development Plan FDP 1998-LE-055 for residential development on property located at Tax Map 92-4 ((1)) 58 and 101-2 ((1)) 11A, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the property shall be in substantial conformance with the Final Development Plan for Hybla Valley prepared by Huntley, Nyce & Associates, Ltd, which is dated August 4, 1998 as revised through August 8, 2000 and the development conditions below.
2. Emergency access shall be provided in the form of break-away gates, or equivalent, as approved by the Fire Marshall, in the locations shown on the CDP/FDP.
3. The recreation facilities located to the north of the culvert for Lindberg Drive shall be shifted northward to be adjacent to the building lot to the north and out of the 100 year floodplain. Further, the limits of clearing and grading shall be revised to coincide with the floodplain easement, with the exception of any grading that is directly attributable to the installation of the culvert or the construction of Lindberg Drive.

possible minor exception, as noted below.

With the exception of a small area near the proposed Lindberg Drive culvert crossing (as noted below), the development plan should be revised such that all private lot areas will be located outside of the 100-year floodplain areas and that no clearing and grading for residential development will occur within such areas. Prior to DPWES approval of the floodplain study, the applicant dealt with this concern by including within the draft proffers a commitment that "all private lots shall be located outside the limits of the final boundaries of the flood plain areas as approved by DPWES." The draft proffers also would provide the applicant with some flexibility to reconfigure or reduce the number of lots during the subdivision and site plan review processes, recognizing that there may be a need for a proffer condition amendment application if these changes were to deviate too much from an approved development plan. In addition, the draft proffers stated: "in the event the final approved flood plain limits are different from that shown on the CDP/FDP the corresponding limits of clearing and grading on the CDP/FDP shall be adjusted accordingly." Now that the floodplain study has been approved, the simplest and most effective way to deal with this issue would be to revise the development plan as recommended above. If the applicant chooses not to do this, the draft proffers should be clarified to ensure that no portion of any private lot (with the exception noted below) would be located within a 100-year floodplain area (either existing or post-development). Further, the phrase "shall be adjusted accordingly" should be clarified.

The southwestern corner of the proposed lot that would be located to the east of Lindberg Drive immediately north of the proposed culvert crossing would be located in the 100-year floodplain, as would a portion of the proposed townhouse access road. In light of the location of this area near the proposed culvert crossing (and the disturbance that will be needed for this crossing), the disturbance that has already occurred in this area, and the broad expanse of the floodplain in this area, this Branch does not object to these minor encroachments. However, if any part of the proposed lot will be located within the post-development 100-year floodplain, the prospective purchaser of this lot (and any subsequent purchaser of the lot) should be informed of this.

Environmental Quality Corridors

The EA recommended that Environmental Quality Corridors (EQCs) be designated along Little Hunting Creek, the Fairchild Drive stream, and the east-west stream. As noted in the first addendum to the EA, the development plan has been revised to identify EQC areas associated with each of these streams. In addition, consistent with a recommendation within the EA, the east-west stream has been identified on the development plan.

The first addendum to the EA contained a number of recommendations regarding EQCs. In general, these recommendations were as follows:

- EQC boundaries in the area of the proposed Lindberg Drive culvert crossing should include the entirety of the 100-year floodplain and associated wetlands (the development plan identified EQC boundaries that would have excluded the area of the road crossing);
- For the EQC associated with the Fairchild Drive stream, the draft proffer regarding the monitoring of the stream channel for evidence of development-related erosion impacts (and corrective actions, if needed) should be strengthened;
- For the same EQC area, buffer enhancements through planting efforts and careful removal of invasive vines from affected trees should be encouraged;
- The draft proffer regarding the removal of obstructions from the Fairchild Drive stream should be clarified;
- The applicant should commit to designing and locating storm sewer conveyance/outfall structures to minimize the potential for erosion within the receiving channels;
- The draft proffers should recognize the need for disturbance to EQC areas for road crossings;
- The draft proffer allowing for EQC crossings for trails, utility lines, or “similar features” should be strengthened; and
- The movement of the proposed cul-de-sac of Cyrene Boulevard a short distance to the west should be considered.

Recognizing that there is still a need to revise lot lines near the proposed Lindberg Drive cul-de-sac to address floodplain issues, the applicant has addressed all of the above issues with the exception of the suggested relocation of the proposed Cyrene Boulevard cul-de-sac. The draft proffers should again be forwarded to the Urban Forestry Division to ensure that the Division’s concerns/recommendations have been addressed.

While it would be desirable for the applicant to increase the amount of the proposed bond associated with the stream monitoring commitment, the draft proffers no longer establish a monetary limit on corrective actions that may need to be pursued if significant erosion results from the proposed development and do not link possible corrective actions to the amount of the proposed bond.

The applicant should consider referencing the Stormwater Planning Division of DPWES within the draft proffers addressing the issues noted above.

A development plan submitted subsequent to the publication of the first addendum to the EA contained revised floodplain boundaries. EQC and Resource Protection Area (RPA) boundaries were not, however, revised in light of the new floodplain delineations. While the resulting mapping errors did not present any substantive issues (all of these errors were located within areas that were identified for protection), the applicant was advised of these errors. The revised development plan contains only one such mapping error (a small area along the eastern property boundary where the floodplain boundary extends beyond the proposed EQC boundary). While this error should, ideally, be corrected, it has no substantive bearing on limits of clearing and grading and is therefore not a significant concern.

The development plan identifies what appears to be a picnic area within the EQC near the proposed Lindberg Drive culvert crossing. The applicant should clarify what is being proposed in this area. It should be noted that the EQC boundaries that have been delineated in this area extend beyond the boundary of the 100-year floodplain (recognizing that the final location of the floodplain boundary may change); however, it appears that at least one picnic table will be located in the floodplain. While clearing and grading within EQCs is typically not supported, the limited extent of the proposed disturbance in this area, the extent of EQC areas on the property, the extent of the preservation that is being proposed outside of core EQC areas (floodplains and wetlands), the proximity of this area to the proposed road/culvert crossing (which will entail significant disturbance in this area), and the desirability of providing for the passive enjoyment of EQC areas would support some flexibility in this area. As such, this Branch would have no objection to the provision of a small picnic area in this location.

Resource Protection Areas

The EA encouraged the applicant to submit a Resource Protection Area (RPA) boundary delineation study to DPWES for review and approval prior to consideration of this application by the Planning Commission and Board of Supervisors and to incorporate the RPA boundary determined through this process on the development plan. The applicant has submitted such a study to DPWES, and the study has been approved. As such, this issue has been resolved.

Wetlands

The first addendum to the EA noted that the applicant had proffered to designing the site such that wetland hydrology will be maintained within those wetland areas on the site that will be preserved. The addendum recommended that the applicant ensure that any wetlands hydrologic analysis that is submitted establish either that groundwater inputs to

the wetlands are not significant or that such inputs will not be altered by the proposed development. In response, the draft proffers have been revised such that the significance (if any) of groundwater flow into wetlands will be documented within the wetland hydrologic analyses that will be submitted. While the draft proffers do not explicitly commit to ensuring that groundwater inputs (if any) to protected wetlands will not be altered significantly by the proposed development, it is the view of this Branch that such groundwater inputs can be considered in a determination of whether or not total volumes of water flowing into the protected wetlands will fall within the proffered threshold.

In addition to revising the draft proffers as noted above, the applicant has revised the draft proffers to ensure that wetland hydrologic analyses will be both performed and certified (rather than just certified) by a Professional Wetlands Scientist certified by the Society of Wetlands Scientists.

It is the view of this Branch that the wetlands issues raised in the EA and first addendum have been addressed.

Stormwater Management/Water Quality

The first addendum to the EA recommended that the applicant commit to designing the proposed on-site stormwater management facility as a best management practice (BMP) facility. The draft proffers address this issue.

As noted earlier, the first addendum to the EA recommended that the applicant commit to designing proposed outfall pipes such that they will discharge drainage into receiving waters at optimal angles (in order to minimize the potential for erosion within the receiving channels), as determined by DPWES in coordination with the Northern Virginia Soil and Water Conservation District. The addendum also recommended that the commitment to stream monitoring and corrective action be strengthened. As noted earlier in this report, these issues have been addressed. The applicant should, however, be encouraged to increase the amount of the bond that will be posted in support of this effort and should consider referencing the Stormwater Planning Division of DPWES within the draft proffers.

Site History

The first addendum to the EA recommended that the applicant strengthen a commitment regarding the cessation of earthwork and construction activities in the event that evidence of possible site contamination is encountered. The revised proffers have addressed this concern.

The addendum recommended that the applicant remove trash and debris from the site and dispose of these materials properly. The addendum further recommended that, within EQCs and other tree preservation areas, the applicant should remove such trash and debris in a manner that will minimize disturbance to these areas, as determined by DPWES. The revised proffers address this issue.

Problem Soils

As noted in the addendum to the EA, a geotechnical engineer with DPWES has reviewed geotechnical information provided by the applicant and has raised concerns regarding the proposal to construct residences on uncontrolled fill and soft soil materials. The engineer has taken issue with recommendations offered by the applicant's consultant and has suggested that more stringent geotechnical requirements may be needed (e.g., removal of fill and soft soil materials; construction of buildings on piles/deep foundations). Because of high water table conditions that are present on the site, the engineer has recommended that no basements be constructed below the existing grades of the site.

In response to comments from the geotechnical engineer, the applicant has drafted a series of proffer statements to address geotechnical issues. Further, the applicant has agreed to provide a ten-year warranty against foundation defects from a licensed insurer. In general, the commitments provided within the revised proffers provide sufficient assurance that geotechnical concerns will be resolved to the satisfaction of the Geotechnical Review Board and DPWES. However, the geotechnical engineer with DPWES has suggested that, for methods of construction other than the provision of deep foundations, a warranty period significantly longer than ten years would be appropriate. He has also recommended that the applicant commit to providing evidence of satisfaction of the warranty commitment prior to the issuance of the first occupancy permit. The applicant has committed to requiring "construction methods deemed necessary to reasonably provide site or foundation stability within the required ten (10) year warranty period" but has not explicitly referenced deep foundations, as recommended by the geotechnical engineer. Further, the applicant is not willing to commit to the warranty period suggested by the geotechnical engineer.

Finally, as was the case before, the applicant's draft proffers indicate that basements may be provided, subject to the review of the Geotechnical Review Board and DPWES for compatibility with "ground water and perched water conditions" and subject to damp proofing or water proofing requirements that may be imposed as a result of reviews by the Geotechnical Review Board and/or DPWES. Based on the aforementioned recommendation of the geotechnical engineer, a commitment on the part of the applicant

to forego the provision of basements below the existing grades of the site would be preferable.

The applicant should continue to coordinate with the DPWES geotechnical engineer regarding geotechnical commitments.

Tree Preservation

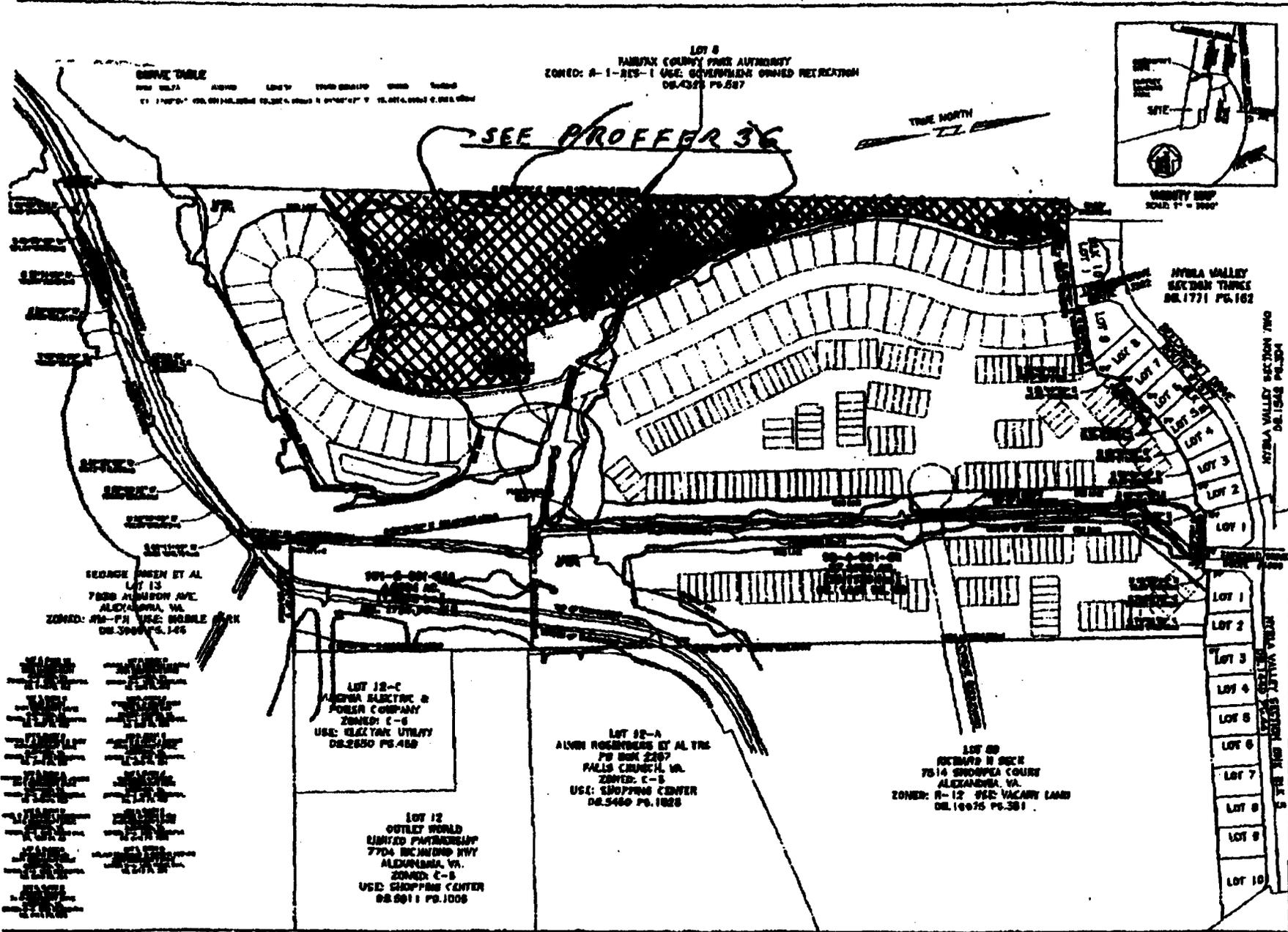
The applicant has submitted proffers addressing tree preservation, limits of clearing and grading, and landscaping issues. The Urban Forestry Division of DPWES should review these proffers.

Swimming Pool Discharge

The revised proffers address this issue.

BGD:NHK

EXHIBIT A



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REZONING APPLICATION /
RZ 1998-LE-055

FINAL DEVELOPMENT
FDP 1998-LE-055

FILED 10/12/98

HYBLA VALLEY PROPERTY L.L.C.

TO REZONE: 61.21 ACRES OF LAND; DISTRICT - LEE
PROPOSED: REZONE FROM THE R-4 DISTRICT TO THE PDH-8
DISTRICT TO PERMIT RESIDENTIAL DEVELOPMENT

LOCATED: AT THE WEST TERMINUS OF CYRENE BOULEVARD
AND EAST OF HUNTLEY MEADOWS PARK

ZONING: R-4
TO: PDH-8
OVERLAY DISTRICT(S):

092-4- /01/ /0058-
101-2- /01/ /0011-A
MAP REF

FILED 10/12/98

HYBLA VALLEY PROPERTY L.L.C.

FINAL DEVELOPMENT PLAN

PROPOSED: RESIDENTIAL DEVELOPMENT

APPROX. 61.21 ACRES OF LAND; DISTRICT - L
LOCATED: AT THE WEST TERMINUS OF CYRENE BOULEV
AND EAST OF HUNTLEY MEADOWS PARK

ZONING: PDH-8
OVERLAY DISTRICT(S):

092-4- /01/ /0058-
101-2- /01/ /0011-A
MAP REF

