

## PROFFERS

RZ 2006 PR-012  
CB Companies L.L.C.

May 4, 2007

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned to the R-2 District as proffered herein.

1. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in substantial conformance with the plan entitled "Generalized Development Plan Helena Drive" ("GDP"), consisting of five (5) sheets prepared by Charles P. Johnson and Associates, Inc., revised as of January 29, 2007.
2. **Minor Modifications.** Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted where it is determined by the Zoning Administrator that such are in substantial conformance with the proffered GDP.
3. **Energy Efficiency.** All homes constructed on the property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy homes, as applicable.
4. **Landscaping.** Landscaping for the site and landscaping for the individual units shall be in substantial conformance with the landscaping shown on Sheets 3 and 4 of the GDP, subject to minor adjustments approved by Urban Forest Management ("UFM").
5. **School Contribution.** Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, effective January 7, 2003, at the time of issuance of the first building permit, the Applicant shall contribute a sum of \$5,500.99 (.473 x \$11,630) to the Board of Supervisors for transfer to the Fairfax County School Board. These funds shall be allocated by the Board of Supervisors for specific capital improvement(s) identified in the adopted Capital Improvement Program ("CIP") for the schools serving this development or for other capacity enhancement(s) for these schools, whether or not identified in the adopted CIP, such as the installation of modular classroom facilities.

6. **Density Credit.** All density and intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and such density is hereby reserved to be applied to the residue of the Subject Property.
7. **Affordable Housing Contribution.** At the time of the first building permit approval, 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 the new homes to be built on-site, as determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.
8. **Idylwood Road.** The Applicant shall dedicate right-of-way along the frontage of Idylwood Road as shown on the GDP. Said dedication shall be made at the time of recordation of the subdivision plat or upon demand of the Board of Supervisors, whichever event first occurs. The Applicant intends to seek a waiver of the trail requirement along Idylwood Road. If the waiver is granted, the Applicant shall contribute the cost of constructing a 10-foot wide trail as shown on the GDP, in lieu of constructing said trail. The cost of said construction shall be determined by using standard DPWES bonding estimates. Said contribution shall be made to the Providence District Trail Fund for use in the vicinity of the Subject Property, as determined by DPWES. In the event that the waiver is denied, the Applicant shall construct the 10-foot wide trail as shown on the GDP and provide an escrowed amount to complete the trails to the property line, when trails are constructed on the adjacent properties that are designed to connect to the trail on the Subject Property.
9. **Helena Drive.** The Applicant shall dedicate right-of-way twenty-five feet (25') from centerline along the frontage of Helena Drive and construct road improvements with face of curb fifteen feet (15') from centerline along the road frontage as shown on the GDP. Said dedication shall be made at the time of recordation of the subdivision plat, or upon demand of the Board of Supervisors, whichever event first occurs.
10. **Driveways.** All driveways shall be a minimum of eighteen feet (18') in length from the property line to the garage door.
11. **Tree Preservation.**
  - a. **Tree Preservation Plan.** The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional experienced in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and the plan shall be reviewed and approved by UFM.

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 ten inches (10") in diameter and greater within twenty feet (20') to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. 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 trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization and others as necessary, shall be included in the plan.

- b. **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 pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM representative and a representative from the Providence District Supervisor's office to determine where adjustments to the clearing limits can be made to increase the area of tree preservation; increase the survivability of trees at the edge of the limits of clearing and grading; facilitate the removal of trees adjacent to the limits of clearing and grading; facilitate tree preservation activities such as root pruning or fencing; or facilitate the installation of erosion and sediment control devices. Such adjustments shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation, but it is noted that unless a dead or dying tree presents a safety hazard, attempts will be made to retain the tree. The dead or dying tree may be topped in order to be retained if that eliminates the problem of a safety hazard. 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 the adjacent trees and associated understory vegetation and soil conditions.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing as proffered above. Tree protection fencing shall be installed prior to any clearing and grading activities

including the demolition of any existing structures at the limits of clearing and grading as shown on the demolition, and Phase I and II erosion and sediment control sheets, as may be modified during the tree preservation walk-through with a UFM representative. 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 fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Five (5) working days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices including fencing, UFM and Providence District Supervisor staff shall be notified and given the opportunity to inspect the site to assure 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.

c. **Fencing, Root Pruning and Mulching.** The Applicant shall 1) root prune, 2) mulch, and 3) provide 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 inches (18") into the ground and placed no further than ten feet (10') apart, or other forms of tree protection fencing approved by UFM, DPWES for all tree preservation relevant areas. All treatments shall be clearly identified, labeled and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher, vibratory plow to a depth of eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.

- Immediately after the Phase II Erosion and Sedimentation activities are complete, mulch shall be applied at a depth of four inches (4") extending ten feet (10') inside the undisturbed area without the use of motorized equipment.
  - A UFM representative shall be informed when all root pruning and tree protection fence installation is complete.
- d. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading as shown on the GDP, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. All utility crossings (including stormwater management outfall facilities and sanitary sewer lines) shall be located so as not to interfere with proposed tree save areas. If it is determined necessary to install utilities and/or trails within 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. Likewise, the removal of the existing structures and the gravel driveway shall also be implemented in the least disruptive manner as determined by DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas within the limits of clearing and grading that must be disturbed.
- e. **Tree Value Determination.** The Applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect to determine the replacement value of all trees ten inches (10") in diameter or greater and located within twenty feet (20') of the outer edge of the limits of clearing and grading (i.e., outside the limits of clearing and grading) as shown on the CDP/FDP which are identified to be preserved on the tree preservation plan. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the "Trunk Formula Method" contained in the latest edition of *The Guide for Plant Appraisal* published by the International Society of Arboriculture, subject to the review and approval of UFM.
- f. **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 subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit or similar corporate surety bond 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 (hereinafter the "bonded trees") that die or are dying due solely to unauthorized construction activities. The Applicant shall have no obligation for trees that die or are dying for reasons unrelated to unauthorized construction activities. The letter of credit or corporate

surety bond 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 or corporate surety bond.

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. As stated above, the Applicant shall have no obligation to replace trees that die or are dying for causes unrelated to unauthorized construction activities. The replacement trees shall be of equivalent size, species, and/or canopy cover as approved by UFM and shall incorporate native plant species. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the "Trunk Formula Method" and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the site performance bond, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant. 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 or corporate surety bond 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.

- g. **Site Monitoring.** During any clearing or tree/vegetation structure removal or transplantation of vegetation on the subject site, a representative of the Applicant 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 work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions, and UFM approvals. The inspection/monitoring schedule shall be described and detailed in the landscaping and tree preservation plan, and reviewed and approved by UFM, DPWES. The Providence District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.
- h. **Demolition of Existing Structures.** The demolition of existing features and structures on the site shall be conducted in a manner approved in writing by the Urban Forest Management Division, Fairfax County Department of Public Works and Environmental Services (URM, DPWES), that does not impact on individual trees and/or groups of trees that are required to be saved. The applicant shall gain such written

approval from UFM, DPWES prior to seeking a demolition permit from DPWES.

12. **Stormwater Management.** A waiver of the stormwater detention/stormwater management ("SWM") and a partial waiver of the BMP requirement may be requested from DPWES. Rain gardens will be provided as shown on the GDP, or other alternative BMP measures may be provided, subject to DPWES approval. Replanting shall be implemented in accordance with Sheet 3 of 5 of the GDP, subject to approval of UFM.
13. **Noise Attenuation.** The Applicant obtained a noise impact analysis that was prepared by Hush Associates LLC, a noise consultant approved by the Department of Planning and Zoning ("DPZ"). The noise impact analysis, dated October 10, 2006, was prepared in accordance with DPZ requirements to determine the noise impact levels on the site as a result of traffic on Idylwood Road and I-495.

In accordance with the findings of said noise impact analysis, the Applicant shall provide the following noise attenuation measures:

- a. The residential units on the site are impacted by highway noise having levels between 65 and 70 dBA Ldn. These units shall be constructed so as to have the following acoustical attributes in order to achieve a maximum interior noise level of approximately 45 dBA Ldn:
  - (1) Exterior walls shall have a laboratory sound transmission class ("STC") of at least 39.
  - (2) Doors and glazing shall have a laboratory STC of at least 28. If glazing constitutes more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
  - (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- b. Prior to issuance of building permits, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with DPZ.
- c. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for rear yard, ground level areas, unshielded by topography or built structures, in accordance with noise wall specifications dictated by the

noise impact analysis, as determined by DPWES and DPZ. Where necessary, utilities or drainage lines may cross under the noise fence or wall.<sup>+</sup>

14. **Providence District Tree Fund.** At the time of Building Permit approval, the Applicant shall contribute Two Hundred Fifty Dollars (\$250.00) to the Providence District Tree Fund.
15. **Architecture.** 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.
16. **Park Authority.** Prior to subdivision plan approval, the Applicant shall contribute \$955 to the Fairfax County Park Authority for use on park facilities in Providence District.

*[SIGNATURES ON THE FOLLOWING PAGE]*

**OWNERS OF TAX MAP 39-4 ((1)) PARCEL 219:**

*Paul Wheeler*  
\_\_\_\_\_  
Paul Wheeler

*Carter Boehm*  
\_\_\_\_\_  
Carter Boehm

**APPLICANT:**

CB COMPANIES L.L.C.

By: *Carter Boehm*  
\_\_\_\_\_  
Carter Boehm  
Sole Manager and Member



# Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors Environmental Services

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February 2, 2006

## PARCEL DESCRIPTION FOR REZONING PURPOSES ONLY

A PARCEL OF LAND SITUATED IN THE PROVIDENCE MAGISTERIAL DISTRICT, COUNTY OF FAIRFAX, VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at intersecting the northerly right of way margin of Idylwood Road, also known as Va. Route No. 695 (a variable width public right of way as now established) with the most easterly corner of Lot 4 Idylwood Knoll as recorded in Plat Book 3, Page 95 among the land records of Fairfax County, Virginia;

Thence North 65°53' 00" West, along the north line of said Lot 4, a distance of 72.18 feet to a point to;

Thence North 27°26' 30" East, along the common line with the James R. Walker property, a distance of 230.12 feet to the southerly right of way margin of Helena Drive, also known as Va. Route No. 2863 (a variable width public right of way as now established);

Thence South 62°33' 30" East, along said right of way margin, a distance of 221.54 feet to a point in common with the Tanveer Malik property;

Thence South 28°32' 18" West, along last said line, a distance of 141.16 feet to the northerly right of way margin of aforesaid Idylwood Road;

Thence South 87°25' 30" West, along last said line, a distance of 169.52 feet to the POINT OF BEGINNING and being that same parcel of land described in Deed Book 507 Page 456 among the land records of said Fairfax County, Virginia.

Containing 43,561 square feet or 1.0000 acres, more or less in Area.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD.