

MAR 22 2016

Zoning Evaluation Division

**DRW, INC. PCA 74-5-158-03
PROFFER STATEMENT**

July 10, 2015

October 27, 2015

December 11, 2015

January 13, 2016

February 25, 2016

March 15, 2016

March 22, 2016

Pursuant to Section 15.2-2303(A) of the *Code of Virginia* (1950), as amended, and Section 18-204 of the Fairfax County Zoning Ordinance (1978), as amended (the "Zoning Ordinance"), and subject to the Fairfax County Board of Supervisors' ("Board of Supervisors") approval of Proffered Condition Amendment PCA 74-5-158-03, as requested, for Section Two Phase II of Monticello Mews (the "Application"), DRW, Inc. (the "Applicant") for itself and for its successors and assigns, hereby proffers that development of Tax Map Parcel 81-2-((1))-8A (the "Subject Property") shall be in accordance with the following conditions ("Proffers") if, and only if, the Application as proposed by the Applicant is approved by the Board of Supervisors. If the Application is approved by the Board of Supervisors, these Proffers shall replace and supersede any and all existing proffered conditions applicable to the Subject Property including the proffered conditions for PCA 74-5-158-02 (the "Existing Proffers"). The Existing Proffers shall remain in full force and effect for Monticello Mews Section One located within Tax Map 81-1 ((13)) and Section Two Phase I located within Tax Map 81-2 ((16)), which together constitute the developed portions of Monticello Mews and are not part of this Application. In the event the Application is denied by the Board of Supervisors, these Proffers shall immediately be null and void and the Existing Proffers shall remain in full force and effect for the Subject Property.

DEVELOPMENT PLAN

1. **Generalized Development Plan.** Development of the Subject Property shall be in substantial conformance with the Generalized Development Plan ("GDP") dated January 9, 2015 and revised through March 22, 2016, prepared by VIKA and consisting of 17 sheets.
2. **Minor Modifications.** Pursuant to Par. 5 of Sect. 18-204 of the Zoning Ordinance, minor modifications to the GDP shall be permitted as determined by the Zoning Administrator without requiring approval of a Proffered Condition Amendment ("PCA").
3. **Future Applications.** Any portion of the Subject Property may be the subject of a future PCA, Special Exception ("SE"), Special Permit ("SP"), variance and/or other similar land use application without joinder and/or consent of the owners of the other portions of the Subject Property, provided such application will not change, cause or require a change to the general layout, physical improvements and/or access for such other portions. All existing land use approvals that are applicable to the portion of the Subject Property not included in such future PCA, SE, SP, variance and/or other similar land use application shall otherwise remain in full force and effect as to such portion of the Subject Property.

4. **Fire Marshal.** Further changes to the GDP shall be permitted in response to the review of site plans by the Fire Marshal, including adjustments as necessary to allow for required emergency vehicle access, provided such modifications are made in consultation with the Fairfax County Zoning Evaluation Division ("ZED") in the Department of Planning and Zoning ("DPZ") and are in substantial conformance with the intent of these Proffers.

DESIGN

5. **Design and Materials.** The Applicant shall design the architecture of the proposed market-rate units and workforce dwelling units ("WDUs") generally consistent with the bulk, mass, type and quality of materials and conceptual elevations presented on the GDP. The Applicant reserves the right to revise the conceptual elevations, reduce the number of dwellings and/or increase unit widths up to a maximum of 24 feet as a result of final engineering and architectural design, provided that minimum peripheral setbacks, minimum open space and the quality of design remains consistent with that shown on the GDP. Irrespective of that shown on GDP Sheet A-1, the primary building materials for the front facade of the dwelling units, exclusive of trim, shall be brick, stone, cementitious siding or other similar materials. WDUs shall have exterior facades that are similar in appearance and quality as the market-rate units.
6. **Decks and Privacy Fences.** Owners may construct a deck and/or privacy fence to enclose their rear yard in accordance with the Zoning Ordinance as generally shown on GDP Sheet C-5. Such decks and privacy fences may be wood board-on-board or other materials as approved by the Homeowners Association and/or Condominium Owners Association, as applicable (collectively, the "OA") established for the Subject Property as described in the Proffers below, and may not be located within Resource Protection or Environmental Quality Corridor Areas as described below. Rooftop terraces may be provided. A covenant shall be recorded on the Subject Property which prohibits the use of any rooftop terraces for storage of items that are not typically used on outdoor patios or porches. This covenant shall be recorded among the land records in the office of the Clerk of the Circuit Court of Fairfax County, Virginia (the "Land Records") in a form approved by the County Attorney prior to the sale of any units and shall run to the benefit of the OA established for the Subject Property and the Board of Supervisors. Marketing materials for the units on the Subject Property shall identify this covenant. The documents provided by the OA in connection with future resales of the units also shall identify this covenant to future purchasers.
7. **Garages.** At a minimum, a one-car garage shall be provided for each market-rate unit and WDU and be of sufficient size to accommodate a trash and a recycle can in addition to parking. With final design of the units, the Applicant will attempt to incorporate a recessed area of approximately 6-12 inches, if feasible, in the garage, which can be used for storing the trash and recycle cans. The interior dimensions of the garage for each market-rate unit and WDU on the Subject Property shall be a minimum of eleven (11) feet, seven (7) inches in width by nineteen (19) feet in length to accommodate one vehicle without overhang into the driveway to permit closure of the garage door. A covenant shall be recorded which provides that the garage shall only be used for the parking of a vehicle and such ancillary uses that do not prevent nor unduly interfere with

the parking of a vehicle. The covenant also shall require future owners to store trash and recycling cans in the garage, except on collection days. This covenant shall be recorded among the Land Records in a form approved by the County Attorney prior to the sale of any units and shall run to the benefit of the OA established for the Subject Property and the Board of Supervisors. Marketing materials for the units on the Subject Property shall identify this covenant and the minimum size of the garage and all initial purchasers shall be advised of the use restriction on the garages prior to entering into a contract of sale. The documents provided by the OA in connection with future resales of the units also shall identify this covenant to future purchasers.

8. **Driveways.** The dimensions of the driveway on each lot within the Subject Property shall be a minimum of ten (10) feet in width by eighteen (18) feet in length, as measured from the back of the sidewalk to the unit on each lot. Trees planted in the front yards of Lots 1-23 and 58-63 and within open space areas shall be located and trimmed so as not to obstruct the line-of-sight of cars backing out of driveways onto the main access road.
9. **Lighting.** All outdoor lighting shall comply with Zoning Ordinance Art. 14, Pt. 9, Outdoor Lighting Standards. Pedestrian lighting shall be provided along the east side of the private street connecting Edsall Road to The Isabella Condominium property boundary, maintained in good repair and spaced in accordance with the Public Facilities Manual ("PFM") regulations. The signage installed at the entrance to such private street shall be backlit or be lit with downward directed lighting.
10. **Energy.** In order to promote energy conservation and green building techniques, the Applicant, in its sole discretion, shall select one of the following programs to be implemented in the construction of the dwelling units:
 - A. Certification in accordance with the "Earthcraft House Program" as demonstrated through documentation provided to the Environment and Development Review Branch of DPZ prior to the issuance of the first Residential Use Permit ("RUP"); or
 - B. Certification in accordance with ICC 700 National Green Building Standard ("NGBS"), as demonstrated through documentation submitted to the Department of Public Works and Environmental Services ("DPWES") and the Environment and Development Review Branch of DPZ from a home energy rater certified through Home Innovation Research Labs that demonstrates the dwelling unit has attained the certification at the Bronze level prior to issuance of the first RUP.
11. **Units.** Based upon the options shown in the "Typical" illustrations on GDP Sheet C-5, the Applicant shall determine at final site plan submission whether to provide either an R-12 fee simple lot configuration or a condominium unit configuration pursuant to Sect. 3-1210 of the Zoning Ordinance.

TRANSPORTATION

12. **Right-of-Way Dedication.** Right-of-way shall be dedicated generally as shown on the "Edsall Road Frontage Improvement Detail" on Sheet C-6 of the GDP. At the time of site plan approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors additional right-of-way seventy (70) feet from centerline along the Subject Property's frontage of Edsall Road.
13. **Right-of-Way Reservation.** As shown on GDP Sheet C-6, an additional six and one-half (6.5) feet shall be reserved for future dedication. This ultimate right-of-way reservation area shall be dedicated and conveyed in fee simple to the Board of Supervisors within 60 days upon request by the Board of Supervisors. The Applicant and/or the OA will request permission from VDOT for the existing Jefferson Green gazebo and entrance sign to remain in place to the extent any portion of those structures, if any, are located in the reservation area to be dedicated. If VDOT will not allow the existing gazebo or sign to remain, the Applicant and/or the OA shall relocate it in the general vicinity of its existing location.
14. **New Interparcel Access Easement.** As depicted on the GDP, prior to final site approval a vehicular interparcel access easement shall be provided to the adjoining property to the west located on Tax Map 81-1-((13)) in order to provide a future private street connection if, and only if, approved by the Jefferson Green Condominium Association ("JGCA"). Minor adjustments to the location of the interparcel connection may be permitted upon agreement of both the Applicant and JGCA without the need for a PCA. At the time of site plan submission, the Applicant shall demonstrate in writing attempts to obtain JGCA's approval for this interparcel connection. JGCA shall have 60 days to respond to the Applicant's written request. In the event JGCA does not approve the connection within 60 days, then at the time of site plan approval, a future construction agreement and escrow shall be provided by the Applicant for the cost of constructing the potential street connection on the Subject Property in the future. If JGCA agrees to grant a vehicular interparcel access easement within 60 days of the written request by the Applicant and also agrees in writing to participate in a shared (pro rata based on trip generation) maintenance agreement for the main access road with The Isabella and the new OA, then the Applicant shall construct the interparcel access improvements prior to issuance of the final RUP for the Subject Property.
15. **Private Streets.** Private streets on the Subject Property shall meet the following requirements:
 - A. The private streets shown on the GDP shall be constructed of materials and depth of pavement consistent with PFM requirements for public streets.
 - B. At the time of site plan approval, a public ingress-egress access easement in a form acceptable to the County Attorney shall be recorded over all new private streets on the Subject Property in order to facilitate their use by others.

- C. Initial purchasers shall be advised of the requirements to maintain the private streets and of the estimated costs prior to entering into a contract of sale. This requirement to maintain the private streets as constructed and the estimated maintenance costs shall be included in the OA documents prepared for the Subject Property.
- D. The costs of maintenance, including snow removal, of the private street that connects Edsall Road to The Isabella Condominium property boundary, with associated lighting, and the adjacent sidewalk along the east side of such street and trail shall be shared (pro rata based on trip generation) by the OA for the Subject Property and The Isabella Condominium Association ("The Isabella CA") pursuant to a private agreement between the parties.

16. **Traffic Signal and/or Enhanced Pedestrian-Activated Signal.**

- A. If not previously installed, a warrant study for installation of a traffic signal at the site entrance at Edsall Road shall be submitted within twelve (12) months after the issuance of the last RUP for the Subject Property. If a signal is deemed warranted by VDOT and approved for installation at this intersection, then such traffic signal if permitted by VDOT shall be designed, equipped and installed by the Applicant. If not warranted at such time, then the Applicant's obligation to construct or in any manner contribute to the cost of such signal is deemed null and void and this Proffer shall be satisfied and have no further force or effect.
- B. In the event that a traffic signal has not been installed or approved for installation at the site entrance at Edsall Road, a warrant study for installation of an enhanced pedestrian-activated signal or Flashing Warning Sign at the existing crosswalk, east of the site entrance, shall be submitted within twelve (12) months after the issuance of the last RUP for the Subject Property. If a signal or sign is deemed warranted by VDOT and approved by VDOT for installation at this crosswalk, then such signal or sign, shall be designed, equipped and installed by the Applicant. If not warranted at such time, then the Applicant's obligation to construct or in any manner contribute to the cost of such signal or sign is deemed null and void and this Proffer shall be satisfied and have no further force or effect.

17. **Existing Right Turn Taper.** Subject to VDOT approval, the Applicant shall paint striping and/or a turn arrow on the pavement for the existing right turn taper from Edsall Road into the Subject Property.

18. **Existing Access Control Booth and Security Gates.** The Applicant shall remove the existing control booth and security gates located on the Subject Property. The security gates shall be relocated onto The Isabella Condominium property to a location as determined by The Isabella CA Board.

19. **Van Dorn Metro Shuttle.** Pursuant to a private agreement, the OA for the Subject Property shall enter into a shared cost agreement with The Isabella CA to contribute a pro rata share (based on ridership) of the costs of operating the existing peak-hour shuttle

service to the Van Dorn Metro Station. This shuttle shall be operated on an optional, private basis at the discretion of these two parties. Nothing in this Proffer shall be construed to require on-going operation of this shuttle.

TRAILS AND SIDEWALKS

20. **Edsall Road Sidewalks.** As depicted on the GDP, east of the site entrance, the Applicant shall retain the minimum four (4) foot-wide concrete sidewalk within the right-of-way that may be increased to five (5) feet in width if it can be accommodated within the area between the existing guardrail and the existing back of curb. Prior to the first RUP for the Subject Property, a six (6) foot-wide sidewalk west of the site entrance, shall be constructed with a four and a half (4.5) foot-wide buffer strip between such sidewalk and the existing curb for Edsall Road. These sidewalks shall be subject to VDOT approval and shall comply with applicable Americans with Disabilities Act requirements.
21. **On-Site Sidewalks.** Concurrent with construction of the adjacent units, the Applicant shall construct five (5) foot-wide concrete sidewalks along the interior streets and within common open space areas as shown on the GDP to provide an interconnected pedestrian system across the Subject Property. These sidewalks shall include accessible ramps as required by the PFM.
22. **On-Site Trail.** As shown on the GDP, the Applicant shall construct and/or relocate an eight (8) foot-wide asphalt trail within a twelve (12) foot-wide public access easement along the main entrance road which connects to the existing trail at the southern property line. One pet waste station and at least two (2) benches for seating shall be provided along the trail to be maintained by the OA for the Subject Property. These improvements shall be constructed concurrently with construction of the first units on the east side of the main private street that connects Edsall Road to The Isabella Condominium property boundary. This trail connection shall only be available for use by the residents and guests of units on the Subject Property and in The Isabella until such time as the public park on Tax Map 81-1-((1))-21 may be improved for use.
23. **Interparcel Sidewalk Connections.** Subject to granting of off-site easements by the respective owners associations, the Applicant shall construct five (5) foot-wide sidewalks and accessible curb ramps to provide interparcel connections to adjacent existing sidewalks located within Section One (Jefferson Green) and/or Section Two Phase I (The Isabella) of the Monticello Mews development. Minor adjustments to the location of the interparcel connections may be permitted upon agreement of the Applicant and JGCA or The Isabella CA, as applicable, without the need for a PCA. At the time of site plan submission, the Applicant shall demonstrate in writing attempts to obtain JGCA's or The Isabella CA's respective approvals for interparcel sidewalk connections. JGCA and The Isabella CA shall have 60 days to respond to the Applicant's written request for approval of these connections on their respective properties. In the event the respective approvals are not provided within 60 days, then at the time of site plan approval, a future construction agreement and escrow shall be provided by the Applicant for the cost of constructing the potential sidewalk connections on the Subject Property in the future. If JGCA and The Isabella CA agree to grant interparcel pedestrian access easements on

their respective properties within 60 days of request, then the Applicant shall construct the interparcel access improvements prior to issuance of the final RUP for the Subject Property.

24. **Crosswalk.** Subject to VDOT approval, the Applicant shall retain the existing eastern Edsall Road crosswalk striping at the site entrance and install accessible curb ramps on the south and north sides of Edsall Road in accordance with PFM requirements prior to issuance of the first RUP for the Subject Property. In the event the northern curb ramp cannot be provided within the right-of-way, then installation shall be subject to approval by the Bren Mar Recreation Association ("BMRA"), provided it is granted in a timely manner and at no cost to the Applicant. Prior to site plan approval, the Applicant shall submit in writing a request to BMRA regarding approval to construct curb ramps on BMRA property. If permission is not granted by BMRA within 60 days of the Applicant's written request, then no northern curb ramp shall be required.
25. **Independence Circle Sidewalk.** Prior to issuance of the first RUP for the Subject Property, and subject to approval by JGCA, the Applicant shall extend the existing off-site sidewalk on the north side of Independence Circle westward for approximately fifty (50) feet and paint a crosswalk to provide an inter-connection to the existing sidewalk within Jefferson Green.

OPEN SPACE AND LANDSCAPING

26. **Open Space.** A minimum of 40 percent open space shall be provided on the Subject Property.
27. **Landscaping.** Landscaping that is a minimum of 25 feet in width generally as depicted on GDP Sheet L-3 shall be provided behind the dwelling units located along the southern property boundary adjoining the existing parking lot for The Isabella and shall include understory trees and shrubs. Plantings within this strip shall be trimmed to prevent overhang onto cars parked in The Isabella parking lot.
28. **Landscape Plan.** The GDP includes "Landscape Plans" shown on Sheets L-1 through L-5. Quality and quantity of landscaping provided shall be in substantial conformance with the GDP. As determined by the Applicant's certified arborist and in coordination with the Fairfax County Urban Forest Management Division ("UFMD") of DPWES, poor soils shall be remediated prior to the installation of new planting. The Landscape Plans may be modified during site plan review to allow for final engineering and design considerations including, but not limited to, final utility locations, low impact development ("LID") facilities, sight distance requirements and other applicable requirements, provided that such modifications are in substantial conformance with the GDP and the following:
 - A. All landscaping provided shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD.
 - B. Prior to installation of plants to meet the requirements of the approved landscape plan, the Applicant shall coordinate a pre-installation meeting on site with the

landscape contractor and a representative of UFMD. Proposed changes to the location of plantings, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved landscape plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved landscape plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material.

- C. Field location of planting material, when required by the approved landscape plan, shall be reviewed at the pre-installation meeting. The landscape contractor shall stake proposed individual planting locations in consultation with the Applicant prior to the pre-installation meeting, for review by UFMD. Stakes shall be adjusted, as needed, during the course of the meeting as determined by UFMD based on discussion with the Applicant and the landscape contractor.
29. **Evergreen Planting.** As shown on GDP Sheets L1 and L2, eight (8) foot tall evergreen trees shall be planted as a buffer (i) in the northeast corner of the Subject Property, in the area between Edsall Road and the stormwater management area, subject to review and approval of the DPWES Stormwater Division and VDOT, and (ii) north and south of Independence Circle so they are interspersed with the existing deciduous trees and buffer the view of the sides of units 76 and 77.

ENVIRONMENTAL

30. **EQC/RPA.** The eastern side of the Subject Property includes a portion of the Turkeycock Run Environmental Quality Corridor ("EQC") and Resource Protection Area ("RPA"). This established EQC/RPA boundary shall be delineated and appropriately labeled on the site plan, and any final determination regarding the location of the temporary fencing to protect the RPA will be subject to review and approval by DPWES. In no instance shall any lot be platted within the Resource Protection Area or Environmental Quality Corridor. An administrative RPA Exception and/or Water Quality Impact Assessment shall be submitted at the time of site plan for the proposed encroachments into the RPA as shown on the GDP. Only those encroachments shown on the GDP for utility installation shall be permitted.
31. **Limits of Clearing and Grading.** The Applicant shall substantially conform to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these Proffers and for the installation of landscaping, utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install landscaping, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the UFMD. A replanting plan shall be developed and implemented, subject to approval by the UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
32. **Tree Preservation.** The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first site plan submission. The Tree Preservation Plan and Narrative shall

be prepared by a Certified Arborist or a Registered Consulting Arborist and shall be subject to the review and approval of UFMD.

- A. The Tree Preservation Plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees living or dead with trunks 10 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the proposed limits of clearing in the tree save area and within 10 feet of the proposed limits of clearing in the area to be disturbed. All trees inventoried shall be tagged in the field so they can be easily identified. If permission is not allowed from the offsite property owner to tag trees, it shall be noted on the Tree Preservation Plan by providing written documentation between the Applicant and the offsite property owner. The Tree Preservation Plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The Tree Preservation Plan and Narrative shall include all items specified in PFM Sections 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, soil testing and recommended fertilization, Cambistat, air spading within the critical root zone to incorporate the application of compost and bio-char shall be included in the Tree Preservation Plan.
- B. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chainsaw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- C. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or

uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition plan, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffers below.

- D. 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. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD.
 - E. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, 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 or vibratory plow to a depth of 18 - 24 inches; 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 or Registered Consulting Arborist; and a UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.
 - F. During any clearing of trees/vegetation on the Subject Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation requirements and UFMD approvals. The monitoring schedule shall be described in the Tree Preservation Plan, and reviewed and approved by the UFMD.
33. **Invasive Species Management Plan.** An invasive species management plan for the Subject Property shall be submitted at the time of site plan detailing how invasive and undesirable vegetation will be removed and managed. The invasive species management plan shall include the following information:
- A. The targeted undesirable and invasive plant species to be removed, suppressed and managed.
 - B. The targeted area of undesirable and invasive plants to be removed, suppressed and managed, which shall be clearly identified on the Landscaping Plan or the Tree Preservation Plan.

- C. The recommended government and industry methods of management, e.g. hand removal, mechanical equipment and chemical control, with the potential impacts of recommended methods on surrounding trees and vegetation not targeted for removal/suppression/management and how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in a tree save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
- D. How targeted species will be disposed.
- E. If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of the project arborist.
- F. Information regarding timing of treatments (hand removal, mechanical equipment or chemical treatments), when treatments will begin and end during a season and proposed frequency of treatments per season.
- G. Potential areas of replanting.
- H. Semi-annual monitoring reports provided to UFMD and Site Development and Inspection Division ("SDID") staff.
- I. That the management program and semi-annual monitoring reports will continue until the earlier to occur of: (i) bond release, (ii) release of the Conservation Deposit, or (iii) when targeted plants appear to be eliminated based on documentation provided by the project arborist and an inspection by UFMD staff.

STORMWATER MANAGEMENT

- 34. **Stormwater Management Facilities.** Stormwater management and BMP facilities shall be provided on-site generally as shown on the GDP and as approved by DPWES at the time of site plan approval. Stormwater management techniques shall include, but are not limited to, provision of an extended detention dry pond, vegetated swales or other techniques permitted under the PFM and approved by DPWES. This does not include the purchase of off-site nutrient credits. In the event the final design of the stormwater management and BMP facilities requires substantial revisions to that shown on the GDP due to geotechnical and/or other PFM requirements, then approval of a Minor Modification or a Proffered Condition Amendment may be required as determined by the Zoning Administrator.
- 35. **Maintenance.** Only the OA for the Subject Property, as described below, shall be responsible for implementing the maintenance contract and funding mechanism to maintain the proposed stormwater management and BMP facilities on the Subject Property. The Isabella CA shall not be responsible for maintenance and/or funding of these facilities on the Subject Property. The maintenance responsibilities and funding mechanisms will be outlined in the OA documents as well as disclosed to all prospective initial purchasers prior to entering into a contract of sale. The documents provided by the

OA in connection with future resales of the units also shall identify these maintenance responsibilities to future purchasers. The Applicant shall provide written materials to the OA describing proper maintenance of the stormwater management and BMP facilities in accordance with the PFM and County guidelines.

GEOTECHNICAL REVIEW AND APPROVAL

36. **Geotechnical Review and Approval.** Prior to site plan approval, the previously approved preliminary geotechnical report (3759-SR-004-1) shall be updated based on the final site grading and engineering plans in accordance with PFM requirements. Such final geotechnical report shall be submitted to the County Geotechnical Review Board ("GRB") through DPWES for its review and approval. Recommendations made by the GRB shall be implemented to the extent they are in substantial conformance with these Proffers and the GDP.
37. **No Basements.** No basements shall be provided with the dwelling units on the Subject Property. This Proffer shall not prevent installation of step-down slabs which may be constructed wherever site conditions dictate.

WORKFORCE HOUSING

38. **Workforce Dwelling Units.** No affordable dwelling units are required for the Subject Property under Art. 2 of the Zoning Ordinance. However, the Applicant shall provide five (5) WDUs on the Subject Property which shall be administered generally as set forth in the Board of Supervisors' Workforce Dwelling Unit Administrative Policy Guidelines, adopted October 15, 2007, in effect as of the approval date of this Application ("Policy Guidelines"), except as modified in these Proffers. Where this Proffer conflicts with the Policy Guidelines, this Proffer shall control the administration of the WDUs.
- A. Five (5) WDUs shall be provided generally as shown on the GDP.
- B. All five (5) WDUs located on the Subject Property shall be affordable for households earning up to and including 80% of the area median income for the Washington Primary Metropolitan Statistical Area ("AMI").
- C. Notwithstanding the foregoing, should the Board of Supervisors' policies related to WDUs be amended, the Applicant reserves the right, in its sole discretion, to opt into all or any portion of such new policies, in part or in whole, without the need for a PCA and, if the Applicant so opts into any such new policies, the provisions of this Proffer which relate to the new policies of the Board of Supervisors which the Applicant has elected to opt into shall no longer be effective.
- D. The Applicant reserves the right to enter into a separate binding written agreement with the appropriate County agency as to the terms and conditions of the administration of the WDUs. Such an agreement shall be on terms mutually acceptable to the Applicant and the County and may occur any time after the approval of this Application. Neither the Board of Supervisors nor the County

shall be obligated to execute such an agreement. If such an agreement is executed by all applicable parties, then the WDUs shall be administered solely in accordance with such agreement and the provisions of this Proffer as it applies to WDUs shall become null and void. Such an agreement and any modifications thereto, or an appropriate memorandum thereof, shall be recorded in the Land Records.

CONSTRUCTION ACTIVITY

39. **Time Restrictions.** Outdoor construction activities, any associated construction deliveries, any construction-related loading or unloading of vehicles and any construction-related trash collection on the Subject Property shall only occur between the hours of 7:00 a.m. and 5:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 4:00 p.m. on federal holidays, exclusive of Thanksgiving, Christmas, New Year's Day, Memorial Day, the 4th of July and Labor Day, on which no construction activities shall occur.
40. **Parking.** Construction workers shall either park on-site or shall park in a remote location and be shuttled to the Subject Property. Construction workers shall not be permitted to park on land owned by JGCA or The Isabella CA.
41. **Construction Posting Information.** The Applicant shall post on the Subject Property and provide in writing to JGCA and The Isabella CA the following information: construction hours, parking restrictions, the name of a contact person and a 24-hour contact phone number. Such information shall be posted in both English and Spanish.
42. **Dust Suppression.** To reduce construction-related dust impacts on adjacent, off-site residential homes, the Applicant shall employ the use of dust suppression methods as needed.

SCHOOLS CONTRIBUTION

43. **Bren Mar Park Elementary School.** The Applicant shall contribute \$1,000.00 for each dwelling unit for a total of \$99,000.00 to be utilized solely for capital improvements and capacity enhancements at Bren Mar Park Elementary School, which students generated by these residential units will attend. This contribution shall be payable on a per unit basis to the County prior to issuance of the building permit for each single family dwelling unit and contributed to the Board of Supervisors for transfer to Fairfax County Public Schools ("FCPS"). The Applicant shall provide written notice to the FCPS Assistant Superintendent for the Department of Facilities and Transportation Services advising that the site plan for the Subject Property has been filed.

MISCELLANEOUS

44. **Bren Mar Recreation Association.** In the event that documentation cannot be found demonstrating that this Applicant already purchased memberships in the Bren Mar Park Recreation Association (the "Association") for the 99 units within this final section of Monticello Mews, the Applicant shall provide for the following: purchase of one

membership in the Association for each dwelling unit in this development, and provision of these memberships at no charge to each individual unit and/or condominium association associated therewith, in accordance with the Virginia Condominium Act, other than annual dues which shall be paid by the OA.

45. **Public Access Easements.** As part of site plan approval for the Subject Property, the Applicant shall grant public access easements for both vehicular and pedestrian traffic, as applicable, over the perimeter sidewalks and trails on the Subject Property, as generally shown on the GDP, subject to the temporary trail limitation identified in Proffer 22. The easements shall also allow for the installation of signage necessary for safety and operation of the abutting streets. The form of the public access easements shall be approved by the County Attorney.
46. **Signs.** The Applicant may retain and install freestanding signs in locations depicted on the GDP. All signs installed on the Subject Property shall conform to the requirements of Art. 12 of the Zoning Ordinance. The Applicant shall install an illuminated sign (backlit or lit with downward directed lighting) for "The Isabella Condominium" development, either as a free-standing sign or one combined sign with the new townhome development on the Subject Property, that is clearly visible from Edsall Road. Clear directional signage for each of the three communities in Monticello Mews shall be provided on-site by the Applicant.

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

47. **Owners' Association.** Prior to issuance of the first RUP for the Subject Property, the Applicant shall cause an OA to be formed for the Subject Property in accordance with Virginia law. The Applicant and the OA shall have maintenance responsibilities that shall include, but not necessarily be limited to, the maintenance of private streets, sidewalks, trails, common open space areas, stormwater management and recreation facilities and landscaping on the Subject Property. The Applicant shall provide an initial deposit for the benefit of the future operations of the OA in an amount of at least \$5,000.00.
48. **Private Shared Maintenance.** As set forth in these Proffers, and as may be expanded in the future, certain maintenance and operation costs shall be shared by the OA for the Subject Property and The Isabella CA pursuant to a private agreement between the two parties. At a minimum, shared obligations shall include operation and maintenance of the main private street from Edsall Road to The Isabella Condominium property boundary; the eastern sidewalk and lighting along that sidewalk, including snow removal; the dog park; two pet waste stations; the existing sports court, the main entry signage for The Isabella and the Subject Property near Edsall Road; existing Metro shuttle service; and

security. The maintenance costs are to be shared pro rata based on units, except for maintenance of the main private street, which shall be based on trip generation and contributions to the existing Metro shuttle service, which shall be based on ridership.

49. **Multi-Purpose Court.** Use and maintenance of the existing multi-purpose court shall be shared (pro rata based on units) by both the OA for the Subject Property and The Isabella CA. Prior to site plan submission, the Applicant shall improve the existing multi-purpose court to add equipment for a volleyball court in accordance with PFM requirements and install a small equipment shed near the court.
50. **Tot Lot.** One tot lot shall be provided generally as shown on the GDP. The final location and layout shall be determined by the Applicant at the time of site plan approval. The tot lot shall be maintained by the OA for the Subject Property only. A low, decorative fence shall be installed around the tot lot to prevent direct access from the tot lot to the three private streets east, north and west of the tot lot subject to Fairfax County approval.
51. **Private Dog Park.** The Applicant shall relocate the existing private dog park on the Subject Property generally as shown on the GDP and shall include one pet waste station. The dog park shall be available for use only by residents of The Isabella Condominium and the Subject Property and shall be maintained (pro rata based on units) by both the OA for the Subject Property and The Isabella CA pursuant to a private agreement between the two parties.
52. **Existing Gazebo.** Prior to site plan approval, the power line providing lighting for the existing brick gazebo and Jefferson Green signage wall shall be reconnected by the Applicant. The Applicant shall ensure that construction activity on the Subject Property does not disrupt such electrical service and will promptly restore such service in the event a disruption occurs as a result of construction.
53. **Retaining Walls.** Additional retaining walls, up to a maximum thirty (30) inches in height, may be provided as determined necessary at the time of site plan approval, subject to DPWES approval in consultation with ZED.
54. **Advanced Density Credit.** All density attributable to land areas dedicated and/or conveyed at no cost to the Board of Supervisors or any other public entity pursuant to these Proffers (including, without limitation, the dedications referenced in these Proffers) shall be subject to the provisions of Par. 4 of Sect. 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the parcel of land from which it came.
55. **Delay.** Notwithstanding the foregoing, upon demonstration that, despite diligent efforts or due to factors beyond the Applicant's control, proffered improvements such as, but not limited to, the required transportation improvements, the publicly-accessible park areas and the trail connections, have been delayed beyond the timeframes specified in these Proffers, the Zoning Administrator may agree to a later date for completion of such improvements.

56. **Escalation.** All monetary contributions specified in these Proffers shall escalate or de-escalate, as applicable, on a yearly basis from the base month of January 2017 and change effective each January 1 thereafter, as permitted by § 15.2-2303.3 of the Code of Virginia, as amended.
57. **Successors and Assigns.** These Proffers will bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in these Proffers shall include within its meaning and shall be binding upon the successors in interest and/or the owners from time to time of any portion of the Subject Property during the period of their ownership. Once portions of the Subject Property are sold or otherwise transferred, the associated Proffers become the obligation of the purchaser or other transferee and shall no longer be binding on the seller or other transferor.
58. **Counterparts.** These Proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[SIGNATURE ON FOLLOWING PAGE]

DRW, Inc.
Applicant and Title Owner of
Tax Map Parcel 81-2-((1))-8A

By: Joseph M. Della Ratta
Name: Joseph M. Della Ratta
Title: President