



County of Fairfax, Virginia

October 28, 2016

2016 Planning Commission

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Vice Chairman
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Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Elizabeth Baker
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

**Re: RZ/FDP 2016-DR-001/PCA 1999-HM-037/SEA 97-H-070-03 –
NVR, INC.
Dranesville District**

Dear Ms. Baker:

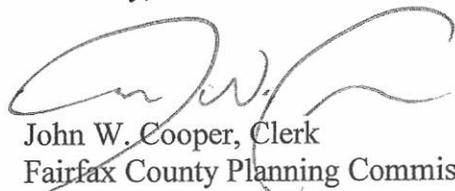
At its October 26, 2016 meeting, the Planning Commission voted 7-0 (Commissioners Hart and Strandlie recused themselves from the vote. Commissioner Hedetniemi, Lawrence and Sargeant were absent from the meeting.) to **RECOMMEND APPROVAL** of PCA 1999-HM-037, SEA 97-H-070-03, and RZ 2016-DR-001, subject to the execution of proffers dated October 7, 2016. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

Concurrently, the Planning Commission voted 7-0 (Commissioners Hart and Strandlie recused themselves from the vote. Commissioner Hedetniemi, Lawrence and Sargeant were absent from the meeting.) to **APPROVE** the above referenced Final Development Plan application 2016-DR-001, subject to the development conditions dated October 11, 2016. A copy of the verbatim transcript is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,



John W. Cooper, Clerk
Fairfax County Planning Commission

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Department of Planning & Zoning
NOV 03 2016
Zoning Evaluation Division

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Attachments (a/s)

cc: John W. Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board
of Supervisors, County Executive Office
Laura Arseneau, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
October 26, 2016 date file

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TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



RZ/FDP 2016-DR-001/PCA 1999-HM-037/SEA 97-H-070-03 – NVR, INC.

During Commission Matters

Commissioner Ulfelder: Thank you, Mr. Chairman. Back in September, on the 14th, we had a public hearing on an application involving Woodland Park, NVR Inc., a PCA, SEA, and RZ/FDP and we deferred the decision to this evening. This - this proposal request to change in the current zoning to permit development of a mix of 295 multifamily dwelling units, with 52 two-over-two dwelling units, as well as 32 townhomes. There were a number of questions that were raised at the public hearing. Many of them were answered at the public hearing or information was provided but there were a number that were still open. And we received a staff report addendum dated October 11th, which was distributed – there is a copy this evening – but I believe there were copies distributed earlier to the Planning Commission and I believe that these – in the addendum we satisfactorily address most of the remaining issues, including the resolution of the open question involving the Reston Transportation Fund. They proposed a change in revision to the proffers that is consistent with language that we have been using with other recent staff – applications involving Reston. And we have reconfigured the one section of the two-over-two units to eliminate or, at least, minimize the traffic conflict that the staff had met – had discussed in the staff report initially. They've added additional information about trash receptacles in the garages. They've added fencing, as brought up by Commissioner Flanagan, along the edge of the proposed park around the edge of the stormwater pond and provided information in connection with his questions about what the County's current requirements are in connection with similar ponds. And they've also provided additional justification to show substantial conformance with the FAR tabulations and based on all that, I think that we are ready to move on this application. I think we need a representative of the applicant, at least for the confirming. Come on down and...

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening, I'm Elizabeth Baker. I'm a planner with Walsh, Colucci representing the applicant.

Commissioner Ulfelder: Yes. Could you confirm, for the record, the applicant's agreement to the proposed PRC Development Conditions now dated October 11th, 2016?

Ms. Baker: I can, yes.

Commissioner Ulfelder: Okay, thank you. With that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1999-HM-037 TO DELETE 11.95 ACRES FROM RZ 1999-HM-037, APPROVED FOR THE PDC DISTRICT; APPROVAL OF SEA 97-HM-070-03 TO DELETE 11.95 ACRES FROM SE 97-HM-070; APPROVAL OF RZ 2016-DR-01 AND THE CONCEPTUAL DEVELOPMENT PLAN SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 7TH, 2016; AND APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED YOU - TO YOU THIS EVENING DATED OCTOBER 26TH, 2016, WHICH WILL BE MADE PART OF THE RECORD.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion?

Commissioner de la Fe: One question, Mr. Ulfelder?

Commissioner Ulfelder: Yes?

Commissioner de la Fe: When you ask the applicant...

Chairman Murphy: Mic.

Commissioner de la Fe: Oh, when you ask the applicant to confirm the development, you said PRC Development Conditions and I don't think this is PRC.

Chairman Murphy: Is it SEA?

Commissioner de la Fe: It – it should be P, PBC or something else.

Commissioner Ulfelder: It should be PCA.

Ms. Baker: It's FDP.

Commissioner de la Fe: Or FDP or something, pardon?

Ms. Baker: I think it's the FDP Development Conditions.

Commissioner de la Fe: FDP. FDP.

Ms. Baker: In Appendix 2.

Commissioner Ulfelder: I think it's the FDP, that's correct, yes – because those are the only development conditions, the rest are proffers. So, it's the FDP DEVELOPMENT CONDITIONS DATED OCTOBER 11TH, 2016.

Ms. Baker: And I confirm that, we agree with those.

Commissioner Ulfelder: Thank you.

Ms. Baker: Thank you.

Commissioner Ulfelder: And thank you, Mr. de la Fe.

Chairman Murphy: Alright, seconded by Mr. de la Fe. Is there a discussion? All those in.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart?

October 26, 2016

RZ/FDP 2016-DR-001/PCA 1999-HM-037/SEA 97-H-070-03

Commissioner Hart: Yes, I did not recuse myself at the public hearing, but things have changed between then and now. I would have recused myself, then I'm going to and I just would ask that be recorded as not voting and anything we are doing tonight.

Chairman Murphy: Okay. All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1999-HM-037 and SEA 97-H-070-03 and RZ 2016-DR-001 and for the Planning Commission to approve FDP 2016-DR-001, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. All those in favor of the motion to...

Commissioner Strandlie: Mr. Chairman? I was here for the hearing so I would like to recuse myself.

Chairman Murphy: Okay, Ms. Strandlie is not voting. She was not here for the public hearing. All those in favor of the motion to approve the waivers etcetera as articulated by Mr. Ulfelder, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 7-0. Commissioners Hart and Strandlie recused themselves from the vote. Commissioners Hedetniemi, Lawrence and Sargeant were absent from the meeting.)

TMW



Final Development Plan Conditions

FDP 2016-DR-001

NVR, Inc.

October 11, 2016

RECEIVED
Department of Planning & Zoning

NOV 03 2016

Zoning Evaluation Division

If it is the intent of the Planning Commission to approve FDP 2016-DR-001 located at Tax Map Parcels 16-3 ((1)) 29D, 29E and 16-3 ((11)) 7, staff recommends conditioning 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 entitled "Woodland Park Waterview" as submitted by Gordon, consisting of 30 sheets, dated December 2015 as revised through September 30, 2016.

The above proposed development condition is a staff recommendation and does not reflect the position of the Planning Commission unless and until adopted by the Planning Commission.

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PROFFERS

Woodland Park Waterview

RZ 2016-DR-001

October 7, 2016

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the applicant, the property owners and their successors and/or assigns (hereinafter referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the 2016 Fairfax County tax maps as 16-3 ((1)) 29D, 29E and 16-3 ((11)) 7 (collectively, the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application 2016-DR-001 (this "Rezoning") and Special Exception Amendment application 97-H-070-03 are granted. Upon approval of this Rezoning, these Proffers shall replace and supersede all previous proffers and development conditions approved on the Property.

PROPOSED DEVELOPMENT

1. Conceptual Development Plan. The Property shall be developed in substantial conformance with the certain elements of Woodland Park Waterview Conceptual/Final Development Plan ("CDP/FDP") dated December 16, 2015 and revised through September 30, 2016, and prepared by William H. Gordon Associates, Inc.
2. Proffered CDP Elements. It shall be understood that the proffered elements of the CDP are limited to the grid of streets, the general location of the points of access, general location of the buildings, the mix of residential uses, maximum density, maximum building heights, the general quality and character of the streetscape, and the amount and general location and quality of urban park land (the "Proffered Elements"). The Applicant has the option to request a Final Development Plan Amendment ("FDPA") for elements other than the Proffered Elements in accordance with the provisions set forth in Section 16-402 of the Fairfax County Zoning Ordinance (the "Ordinance").
3. Minor Modifications. Minor modifications may be permitted pursuant to Section 16-403(4) of the Ordinance.
4. Proposed Development. Development on the Property shall be limited to a maximum of 383 dwelling units, including multi-family dwellings and single-family attached dwellings (the "Proposed Development").

Uses allowed by special exception or special permit in the PDH-30 District may be authorized through a separate special exception or special permit process without the need for a PCA or CDPA, as determined by the Zoning Administrator.

5. Fire Marshal Evaluation. The Applicant has coordinated the layouts depicted on the CDP/FDP with the Fire Marshal. Changes to the CDP/FDP shall be permitted without the requirement for a CDPA and/or FDPA in response to the review of site plans by the Fire Marshal, including adjustments to tree locations, the streetscape, and perimeter building setback from the curb, as necessary to allow for required emergency vehicle access, provided such modifications are made in consultation with the Department of Planning and Zoning ("DPZ"), and are in substantial conformance with the CDP, FDPs and these Proffers.

ARCHITECTURAL DESIGN AND BUILDING PRACTICES

6. Architectural Design. The building elevations shown on Sheets 18 and 19 of the CDP/FDP are provided to illustrate the architectural theme and design intent of the residential dwellings. The architectural design of the proposed dwellings shall generally conform to the character and quality of these illustrative elevations, but the Applicant reserves the right to modify these elevations, such as adding architectural ornamentation, based on final architectural design.
7. Universal Design. Five percent of all dwelling units on the Property shall be designed and constructed with a selection of universal design features and options as determined by the Applicant which may include, but not be limited to: passage doorways with a minimum width of 32 inches; lighting controls, electrical switches and receptacle outlets, environmental controls and user controls for security and intercom systems with clear floor spaces and heights as defined by the American National Standards Institute ("ANSI"); lever door handles; slip resistant flooring; seat in master bath shower; optional hand-held shower heads at tubs and showers; and optional front loading washers and dryers.
8. Rooftop Telecommunications Equipment. Telecommunications equipment may be placed on the proposed multi-family building rooftops and facades. Any such facilities must comply with the applicable requirements of the Ordinance and be screened and/or setback sufficiently from the perimeter of the roof and penthouse such that they are not visible from the surrounding streets at street level. Other screening measures may be used such as including the facilities as part of the architecture of the buildings, utilizing compatible colors, or employing telecommunication screening material and flush mounted antennas.
9. Residential Building Certifications.
- A. Building A.
- (i) The Applicant shall include, as part of the building plan submission for Building A to be constructed on the Property, a list of specific credits within the project's registered version of the U.S. Green Building Council's Leadership in Energy and Environmental Design New Construction ("LEED®-NC") rating system, or other LEED rating system determined to be applicable by the U.S. Green Building Council

("USGBC"), or its equivalent (as determined by the Applicant and Fairfax County), that the Applicant anticipates attaining. All references herein to LEED-NC include both LEED-NC or its equivalent as determined by the Applicant and the County and all references to USGBC include the applicable equivalent agency.

Except as otherwise provided below in Paragraph E as an alternative, a LEED or equivalent-accredited professional (the "LEED-AP") who is also a professional engineer or architect shall provide certification statements at the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED-NC certification of the building.

- (ii) The Applicant shall designate the Chief of the Environment and Development Review Branch ("EDRB") of DPZ as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.
- (iii) Prior to issuance of a building permit, the Applicant shall Post a "green building escrow" in the form of cash or a letter(s) of credit from a financial institution acceptable to the Department of Public Works and Environmental Services ("DPWES") as defined in the Fairfax County Public Facilities Manual ("PFM"), in the amount of \$2.00/square foot of GFA, as shown on the approved site plan. This green building escrow shall be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED-NC certification, by the USGBC, under the project's registered version of the LEED-NC rating system or other LEED rating system determined, by the USGBC, to be applicable to each building. The provision to EDRB of documentation from the USGBC that the building has attained LEED-NC certification will be sufficient to satisfy this commitment.
- (iv) At the time LEED-NC certification is demonstrated to EDRB, the escrowed funds and/or letter(s) of credit shall be released to the Applicant.

If prior to bond extension, reduction or final bond release for the applicable building site, whichever occurs first, the Applicant provides to EDRB documentation demonstrating that LEED-NC certification for the building has not been attained but that the building has been determined by the USGBC to fall within three (3) points of attainment of LEED-NC certification, 50% of the green building escrow will be released to the Applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of

county environmental initiatives. If the certification is still in progress at the time of application for bond extension or reduction, the time frame for the provision of the documentation described above shall be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the applicable building site.

If prior to bond extension, reduction or final bond release for the applicable building site, whichever occurs first, the Applicant fails to provide documentation to EDRB demonstrating attainment of LEED-NC certification or the Applicant provides documentation demonstrating that the building has fallen short of LEED-NC certification by three (3) points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives. If the certification is still in progress at the time of application for bond extension or reduction, the time frame for the provision of the documentation described above shall be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the applicable building site.

- (v) As an alternative to the actions outlined in the Sub-paragraphs (i), (iii) and (iv) above, the Applicant may choose at its sole discretion to pursue a certification level higher than LEED-NC, in which case the LEED-AP will provide certification statements at the time of building plan review confirming that the items on the list of specific credits will meet at least the minimum number of credits necessary to attain LEED-NC Silver certification.

Prior to issuance of a building permit for the building, the Applicant shall submit documentation to EDRB, regarding the USGBC's preliminary review of design-oriented credits in the LEED program. This documentation will demonstrate that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED-NC Silver certification. Under this alternative, the Applicant is not required to provide a "green building escrow" unless the Applicant fails to provide the above referenced documentation that the building is anticipated to attain LEED-NC Silver certification.

Prior to final bond release of the applicable building site, the Applicant shall submit documentation to EDRB, confirming the status of LEED certification.

- (vi) As an alternative to the actions outlined in the Paragraphs (i), (iii), (iv) and (v) above, if applicable and if the project meets the eligibility criteria for the rating system, the Applicant may select, subject to EDRB approval, an alternate residential rating system such as Earth Craft, Energy Star Qualified Homes for Multifamily High Rise, or the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance that may be implemented without an escrow. If one of the alternate residential rating systems listed herein is selected as an alternative to the previous paragraphs, the Applicant shall note the selected system and provide a completed checklist of the anticipated options to be pursued for the specified rating system at the time of site plan and building plan review. The Applicant shall demonstrate attainment of the selected certification from a rater recognized through the selected progress prior to the bond extension, reduction or final bond release of each building site, whichever occurs first. If the certification is still in progress at the time of application for bond extension or reduction, the time frame for the provision of the documentation described above shall be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the applicable building site.

B. Two-over-Two Multi-Family and Single-Family Attached Dwellings. In support of energy conservation and green building techniques; the Applicant, in consultation with EDRB, shall seek certification from one of the following programs that offer third party review of green building or energy efficient measures. The Applicant shall have sole discretion to choose the program to be utilized.

- (i) Certification in accordance with the Earth Craft House program as demonstrated through documentation provided to DPWES and EDRB prior to the issuance of a RUP; or
- (ii) Certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DWPEES and EDRB from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling; or
- (iii) Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated through submission of a copy of the “Green Certificate” issued by NAHB in accordance with its “Green Certificate Program” prior to the issuance of the RUP for each dwelling.

10. Use of Garages and Driveways. Individual garages associated with the two-over two multi-family dwellings and the single-family attached dwellings shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles and storage of trash and recycling containers). This shall not preclude the use of garages as sales offices in the model homes during marketing of the development, with the understanding the sales offices will be converted back to garages upon sale of the models. A covenant setting forth these restrictions shall be recorded among the land records of Fairfax County in a form approved by the Office of the County Attorney prior to the sale of any units and shall run to the benefit of the HOA and the Board. Prospective purchasers shall be advised of these restrictions, and the interior dimensions of the garage, in writing prior to entering into a contract of sale. These restrictions and the interior dimensions of the garages shall be included in the marketing materials for the initial sales of units on the Property and also prominently included in the homeowner's association and condominium association documents prepared for the Property in order to provide notice to prospective purchasers in connection with future resales of the units.

All driveways that will be used for parking shall be 18 feet in length or greater. Otherwise driveways should not exceed four (4) feet in length, however a driveway of up to six (6) feet in length is permissible when needed to accommodate offsets in the building facades.

11. Noise Study. Prior to site plan submission, the Applicant shall provide a noise study to determine what, if any, noise attenuation measures may be needed for dwelling units impacted by noise associated with the Dulles Airport Access Road and Centreville Road. Such study shall be submitted to EDRB for review. Based on the findings of that report, the Applicant shall identify units on the site plan that are anticipated to be impacted by noise greater than 65 dBA Ldn and shall provide noise attenuation measures designed to reduce interior noise of those identified noise impacted units to a level of approximately 45 dBA Ldn.

LANDSCAPING AND TREE PRESERVATION

12. Conceptual Landscape Plan. The CDP/FDP includes a conceptual landscape plan for the Property consisting of an overall plan and details regarding streetscapes, publicly accessible urban park areas, courtyards and private amenity areas.

As part of the site plan submission for each building phase, the Applicant shall submit to the Urban Forest Management Division of the DPWES ("UFMD") for review and approval a landscape plan that is in substantial conformance with the concepts and quality of plantings and materials shown on the CDP/FDP, and shall include, among, other things, design details for planting areas, the composition of planting materials, and methods for ensuring the viability of plantings. Adjustments to the type and location of plantings may be permitted to avoid conflicts with utilities, sight distance, and other site engineering considerations.

13. Streetscaping. Streetscaping shall be installed along Woodland Park Road and Verisign Way as conceptually illustrated on Sheets 9 and 15. Streetscape elements shall include: a landscape amenity panel located immediately behind the face of curb; a pedestrian sidewalk adjacent to the landscape amenity panel; and a building zone between the pedestrian sidewalk and the face of the building(s) that is designed to allow access to the building, steps, stoops, and/or additional landscaping. Streetscaping elements may be adjusted at the time of site plan approval provided the quality of the streetscape and minimum sidewalks are consistent with that shown on the CDP/FDP. The Applicant shall design the streetscape to accommodate a future bus shelter subject to review and approval of FCDOT. Notwithstanding what is shown on the CDP/FDP, at the time of site approval, the Applicant shall provide a minimum eight (8) foot building zone along Building A's Verisign Way frontage.
- A. Street Trees. Tree planting sites are set forth on the CDP/FDP, subject to revisions as may be approved at site plan review by the UFMD or necessitated by providing bus stop shelters, sight distance requirements, clear zone requirements, etc. The Applicant shall retain the services of a Certified Landscape Architect, Certified Arborist, or Registered Consulting Arborist to monitor the design and inspect the planting of the street trees and shall notify UFMD in writing or by electronic mail no later than three business days prior to tree pit construction to allow for County inspection.
- B. Non-Invasive Plant Materials. Invasive species, as defined by the PFM, shall not be used within the streetscape and landscaped open space areas on the Property.
- C. Utility Locations. Utilities, including, but not limited to water, sanitary sewer and storm sewer utility lines shall, to maximum extent feasible, be installed in locations that do not conflict with the landscaped open space areas and streetscape elements shown on the CDP/FDP. If there is no other option, utilities may be placed within open space or streetscape areas provided that the long-term health of trees and other plantings is ensured by the provision of sufficient soil volume as shown on the CDP/FDP, as determined by the UFMD. No underground electrical vaults or new electrical above ground transformers shall be placed in areas that are intended to be part of VDOT maintained right-of-way.
- D. Sight Distance Considerations. Sight distance requirements have been provided on the CDP/FDP so as to identify and avoid conflicts with street tree locations. If determined at the time of site plan review that street tree locations conflict with sight distance requirements, the Applicant shall investigate whether limited pruning or minor adjustments to the locations of street trees will alleviate sight distance concerns. In the event the Virginia Department of Transportation ("VDOT") does not approve the tree locations even after the changes anticipated above, the Applicant shall be permitted to relocate the affected street tree, subject to approval by UFMD. If the deleted street tree(s) result in a tree canopy below 10% on the Property, the street tree(s) must be accommodated in another location on the Property, as approved by UFMD.

- E. Site Furnishings, Materials and Lighting. Site furnishings and materials to be provided on the Property shall be in general conformance with the style and quality shown on Sheet 17 of the CDP/FDP. All streetscape lighting shall be energy efficient. All on-site, outdoor and parking garage lighting shall not exceed that permitted under the Outdoor Lighting Standards of Section 14-900 of the Ordinance.
- F. Maintenance. The Applicant, or any successor associations or equivalent once established, shall maintain and replace in-kind all pedestrian realm elements within the Proposed Development. The pedestrian realm includes all areas between the back of curb and the building zone whether located within the public right-of-way or on private land with public access easements. The Applicant shall enter into the appropriate agreement, in a form approved by the Office of the County Attorney, with the County (or other public entity, as needed) to permit the Applicant to perform such maintenance. Neither the Applicant nor any successor associations or equivalent shall be required to repair or restore any elements of the pedestrian realm within publicly-owned areas that are damaged by public contractors, or permittees that are not acting under the direct authority of the Applicant.

14. Tree Preservation.

- A. Tree Preservation Plan. The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions for building sites that include tree preservation areas shown on the CDP. The preservation plan and narrative shall be prepared by a Certified Landscape Architect, Certified Arborist, or Registered Consulting Arborist (the "Project Arborist"), and shall be subject to the review and approval of UFMD.

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 to be preserved, as well as all on and off-site trees, living or dead with trunks 12 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 to either side of the limits of clearing and grading. 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 CDP 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 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, fertilization, and others as necessary, shall be included in the plan.

- B. Tree Preservation Walk-Through. The Applicant 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 Project Arborist shall walk the limits of clearing and grading with an 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 in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- C. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP, 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.
- D. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" paragraph below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of the Project Arborist and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the 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. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements. 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:
- (i) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
 - (ii) Root pruning shall take place prior to any clearing and grading, or demolition of structures.
 - (iii) Root pruning shall be conducted with the supervision of the Project Arborist.
 - (iv) An UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.
- F. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Property, the Project Arborist shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The monitoring schedule shall be described and detailed in the Tree Preservation Plan, and reviewed and approved by the UFMD.

TRANSPORTATION IMPROVEMENTS

15. Woodland Park Road. The Applicant shall provide improvements along the Property's Woodland Park Road frontage as described below.

A. Between Centreville Road to Verisign Way

- (i) At the time of site plan approval for Building A, the Applicant shall dedicate right-of-way, in fee simple without encumbrances, to the Board of Supervisors along the Property's Woodland Park frontage to accommodate an additional west bound right turn lane at the Centreville Road intersection as shown on Sheet 21 of the CDP/FDP. Subject to VDOT approval of a dual right-turn overlap signal phase operating during the left turn phase on Centreville Road, the Applicant shall construct an additional westbound right turn lane along the Property's frontage within the dedicated right-of-way as shown on Sheet 21 of the CDP/FDP. With completion of this improvement, the Applicant shall restripe the westbound approach to the Centreville Road intersection to provide a left turn lane, a shared left-turn lane, and dual right turn lanes.

Should VDOT not approve a dual right-turn overlap signal phase for the westbound right-turn lanes, the applicant shall install a single lane right-turn overlap phase signal, if one is not already provided. The Applicant shall dedicate the right-of-way needed for the second right-turn lane as described above and shall escrow with DPWES the cost of constructing the second right turn lane and signal modification; and thereby be relieved if its obligation to construct the turn lane. The funds escrowed for this improvement may be used for transportation improvements in the vicinity of the Property. The Applicant shall restripe the westbound approach as determined appropriate by VDOT and FCDOT.

- (ii) Notwithstanding what is shown on the CDP/FDP, subject to VDOT approval, the Applicant shall extend the existing 4 foot wide concrete median in Woodland Park Road past the first entrance along the southern side of Woodland Park Road to preclude left turn movements.
- (iii) Subject to VDOT approval, the Applicant shall restripe the eastbound section to accommodate a left turn lane at Verisign Way and a shared through-right lane and provide appropriate signage.

B. East of Verisign Way

- (i) At the time of site plan approval, the Applicant shall dedicate and convey right-of-way, in fee simple without encumbrances, along the Property's frontage including the area of the landscape amenity panel and sidewalk to the Board of Supervisors as shown on Sheet 21. However, should it be determined during the site plan review process that VDOT and/or Fairfax County will not accept the landscape amenity panel and sidewalk within the right-of-way, or that existing utilities are not acceptable in the right-of-way, the Applicant shall not provide additional dedication, but instead shall grant a public sidewalk and utility easement in a form acceptable to the Office of the County Attorney, over the area of the amenity panel/sidewalk.
- (ii) Subject to VDOT's approval, the Applicant shall restripe the section east of Verisign Way to accommodate a bike lane on the north side of the street, an 11 foot westbound through lane adjacent to the striped bike lane, an 11 foot center turn lane, a 14 foot eastbound through lane with sharrow bike markings, and limited on-street parking on the south side of the street, as shown on Sheets 21 and 23. In the event, VDOT approves on-street parking on the north side of the street, the Applicant may substitute parking on the north side in lieu of parking on the south side of the street.

- C. The final design of the improvements to Woodland Park Road as generally described above shall be further refined in conjunction with the submission of site plans for those portions of the Property fronting Woodland Park Road and

construction of the improvements shall be provided concurrently with the development of buildings with frontage on Woodland Park Road.

16. Private Streets.

- A. The private streets shown in the CDP/FDP shall be constructed of materials and depth of pavement consistent with the Public Facilities manual ("PFM") standards for public streets.
- B. Initial purchasers shall be advised of the requirement to maintain private streets 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 homeowners' association and condominium association documents prepared for the Property.
- C. A public access easement in a form acceptable to the County Attorney shall be recorded over all private streets internal to the development at the time of site plan approval. Public access easements shall also be recorded over internal trails and sidewalks.

17. Traffic Signals.

- A. In conjunction with the improvements to Woodland Park Road as set forth in Proffer 15A, and subject to VDOT approval, the Applicant shall modify the existing traffic signal at the intersection of Centreville Road and Woodland Park Road.
- B. The Applicant shall conduct a warrant study for a traffic signal at the intersection of Sunrise Valley Drive and Wood Oak Drive prior to final bond release for the proposed development. If a signal is not deemed warranted by VDOT, then the Applicant shall have no further obligation under this Proffer. If a signal is deemed warranted by VDOT, after having reviewed the warrant study and approving the same, the Applicant shall escrow the sum of \$40,000 with DPWES towards the cost of future signalization by others.

18. Construction Traffic Management. The Applicant shall prepare and implement a construction congestion management plan during construction of each phase of development, so as to provide safe and efficient pedestrian and vehicle circulation at all times on the Property and on the public roadways adjoining the Property. This management plan shall identify anticipated construction entrances, construction staging areas, construction vehicle routes and procedures for coordination with Fairfax County Department of Transportation ("FCDOT") and/or VDOT concerning construction material deliveries, lane or street closures, and/or other construction related activities to minimize disturbance on the surrounding street and sidewalk network.

Such plans shall be prepared by a qualified professional and submitted for review and comment to the VDOT, FCDOT and DPWES with the final site plan.

19. Reston Transportation Fund Contribution. The Applicant shall provide a contribution not to exceed \$2,288 for each residential unit constructed on the Property to the Reston Transportation Fund being established by the Board of Supervisors. Should the Board of Supervisors approve a lesser per unit contribution rate than that listed in this Proffer, the Applicant shall be permitted to reduce its contribution to match the rate approved by the Board. The contribution associated with Building A shall be paid on or before the issuance of the initial RUP for Building A based on the actual number of residential units in the building. The contributions associated with the two-over-two multi-family and single-family attached dwellings shall be paid on or before the issuance of each RUP for a two-over-two multi-family or single-family attached dwelling. The Applicant shall receive and deduct credits against the contributions that would otherwise be due to the Reston Transportation Fund in keeping with the Guidelines for the Reston Transportation Fund to be approved by the Board of Supervisors.
20. Future Parking Reductions. The Applicant reserves the right to submit and pursue approval of a parking reduction for Building A from the Board of Supervisors prior to site plan approval for Building A. Thereafter, the Applicant may request approval of further parking reductions for Building A from the Board as permitted by the Zoning Ordinance. Any modification to the parking requirement or layout resulting from a reduction approved by the Board shall not require a PCA, CDPA or FDPA, but shall be in substantial conformance with the approved CDP/FDP.

BICYCLE AND BUS FACILITIES, AND PEDESTRIAN IMPROVEMENTS

21. Bicycle Circulation.
- A. In conjunction with the restriping of Woodland Park Road east of Verisign Way, as provided in Proffer 15B, and subject to VDOT approval, the Applicant shall provide an on-street bicycle lane on the north side of the street, a sharrow on the south side of the street, and associated signage.
 - B. The Applicant shall construct a combined pedestrian/bicycle ten (10) foot wide asphalt shared use trail on the Property's frontage on Woodland Park Road west of Verisign Way to Centreville Road. The Applicant shall record public access easement(s) in a form acceptable to the County Attorney ensuring the area of the multi-use trail is accessible to the public. Construction of the multi-use trail shall occur concurrently with the construction of a new right turn lane as provided in Proffer 15A.
 - C. Subject to FCDOT review and approval, the Applicant shall provide guide signage along the trail on Verisign Way and the internal pond for bicycle circulation.
22. Bicycle Parking. The Applicant shall provide bicycle racks throughout the Property, at a minimum ratio of 1 space per 25 residential units, in the general locations shown on the CDP/FDP and as may be refined at site plan. Exterior bike racks shall be as shown on Sheet 17 of the CDP/FDP or other design approved by FCDOT. An interior bike storage

room shall be provided in Building A and shall include one (1) bike storage space for every three (3) dwelling units in Building A.

23. Marked Crosswalks. Subject to VDOT approval and concurrent with the improvements outlined in Proffer 15A, the Applicant shall install a new marked pedestrian crosswalk and pedestrian signalization across Centreville Road on the north approach at Woodland Park Drive. The Applicant shall also install other marked pedestrian crosswalks as shown on Sheet 7 of the CDP/FDP, subject to VDOT approval.
24. Bus Stop/Shelter. A bus stop/shelter location shall be evaluated for feasibility at the time site plan approval in consultation with FCDOT. If at the time of site plan approval, Fairfax County requests provision of a bus stop or shelter, the Applicant shall provide the requisite easement (but not additional right-of-way to accommodate a bus bay) and shall construct the requested bus shelter prior to bond release for the applicable site plan. The bus stop/shelter location may necessitate adjustments to street tree locations and other street furnishings from that shown on the CDP/FDP which shall be accommodated without the requirement for a CDPA or FDPA.

TRANSPORTATION DEMAND MANAGEMENT

25. Dulles Area Transportation Association (DATA). The Applicant shall join DATA and participate in its efforts to reduce single occupant vehicular trips.
26. Transportation Demand Management. The Applicant shall fund, implement and administer a transportation demand management program for the Property as described in this Proffer (the "TDM Program"). It is intended that the first new building to be constructed on the Property will initiate implementation of what will become a Property-wide TDM program that later buildings to-be-constructed on the Property will join.
 - A. TDM Plan. The proffered elements of the TDM Program as set forth below are more fully described in the *Woodland Park West-Waterview Transportation Demand Management Plan* prepared by Wells + Associates, Inc. dated May, 2016 (the "TDM Plan") as may be amended. It is the intent of this Proffer that the TDM Plan adapt over time to respond to the changing transportation related circumstances of the Property, the surrounding community and the region, as well as to technological and/or other improvements, all with the objective of meeting the trip reduction goals as set forth herein. Accordingly, modifications, revisions, and supplements to the TDM Plan as coordinated with FCDOT can be made without the need for a PCA provided that the TDM Plan continues to reflect the proffered elements of the TDM Program as set forth below.
 - B. Responsible Party. The Applicant, or any successor other than the UOA or its equivalent, shall remain obligated under this Proffer until such time as three consecutive post Stabilization trip counts reveal that the applicable vehicle trip reduction goals are being met (the "Applicant Control Period"). At the end of the Applicant Control Period, the Umbrella Owners Association (UOA) or equivalent shall become obligated under this Proffer and Applicant, or any successor other

than the UOA or equivalent, shall have no further obligation with respect to this Proffer.

- C. Definitions. For purposes of this Proffer, "Build-Out" shall be deemed to occur one-year following issuance of the last initial RUP for the final residential unit to be constructed on the Property. "Pre-build out" shall be deemed to occur any time prior to Build-Out.
- D. Trip Reduction Objective. The objective of this TDM Program shall be to reduce the vehicle trips generated by new residents of the Property by twenty percent (20%) during weekday P.M. peak hours. This trip reduction percentage shall be multiplied by the total number of vehicle trips that would be expected to be generated by the uses developed on the Property as determined by the application of the Institute of Traffic Engineers, 9th Edition, *Trip Generation* rates and/or equations (the "ITE Trip Generation"), and the number of trips determined by the product of such equation shall be referred to herein as the "Maximum Trips After Reduction". For purposes of this calculation, the maximum number of dwelling units proposed to be constructed on the Property as determined at the time of site plan approval shall be applied to the calculation described in the preceding sentence.
- E. TDM Program Components. The TDM Program shall include, but not necessarily be limited to strategies which are more fully described in the TDM Plan and any subsequent Annual Reports that are submitted to FCDOT.
- F. Process of Implementation. The TDM Program shall be implemented as follows, provided that modifications, revisions, and supplements to the implementation process as set forth herein as may be approved by the FCDOT can be made without the need for a PCA.
- (i) TDM Program Manager ("TPM"). The Applicant shall appoint and continuously employ, or cause to be employed, a TPM for the Property no later than sixty (60) days after the issuance of the first building permit for the first new building to be constructed on the Property. The TPM duties may be part of other duties associated with the appointee. The Applicant shall notify FCDOT and in writing within 10 days of the appointment of the TPM. Thereafter the Applicant shall do the same within ten (10) days of any change in such appointment. Following the termination of the Applicant Control Period, the UOA shall be responsible for employment of the TPM.
- (ii) TDM Work Plan, Annual Report and TDM Budget. The TPM shall prepare and submit to FCDOT an initial TDM Work Plan ("TDMWP") and Budget no later than 180 days after issuance of the first building permit for the first new building on the Property. The TDMWP shall include, at a minimum:

- a. Details as to the components of the TDM program that will be put into action that year;
- b. Any revisions to the budget needed to implement the program for the coming calendar year;
- c. A determination of the applicable Maximum Trips After Reduction for the Property;
- d. Provision of the specific details associated with the monitoring and reporting requirements; and
- e. Submission of the results of any Person Surveys and Vehicular Traffic Counts conducted on the Property.

The TDMWP shall be reviewed by FCDOT. If FCDOT has not responded with any comments within sixty (60) days after submission then the TDMWP shall be deemed approved and the TDM program shall be implemented. If FCDOT responds with comments on the TDMWP, then the TPM will meet with FCDOT staff within fifteen (15) days of receipt of the County's comments. Thereafter but in any event, no later than thirty (30) days after the meeting, the TPM shall submit such revisions to the TDMWP as discussed and agreed to with FCDOT and begin implementation of the approved program. Each calendar year thereafter, but no later than February 1, the TPM shall submit a report which summarizes the results of the previous year's TDM Program, incorporates any new construction on the Property, proposes modifications or enhancements to program elements, and establishes a budget to cover the costs of implementation of the program for the succeeding year (the "Annual Report"). The Annual Report and TDM Budget shall be submitted to FCDOT and reviewed in the same manner as outlined above for the TDMWP and TDM Budget. The expected annual amounts of the Budget are further described in Section 5 of the TDM Plan.

- G. TDM Account. The Applicant, through the TPM, shall establish a separate interest bearing account with a bank or other financial institution qualified to do business in Virginia as approved by Fairfax County (the "TDM Account") within 30 days after approval of the TDMWP. All interest earned on the principal shall remain in the TDM Account and shall be used by the TPM for TDM purposes. The TDM Account shall be funded solely by the Applicant, through the TPM, until the end of the Applicant Control Period. At the end of the Applicant Control Period, a line item for the TDM Account shall be included in the UOA, or its equivalent, budget. The governing documents that establish and control the development shall provide that the TDM Account shall not be eliminated as a line

item in the governing budget and that funds in the TDM Account shall not be utilized for purposes other than to fund TDM strategies/programs and/or specific infrastructure needs as may be approved in consultation with FCDOT.

Funding of the TDM Account shall be in accordance with the budget for the TDM Program elements to be implemented in a given year. In no event shall the TDM Budget for the Property overall be required to exceed \$41,700 and in no event shall an individual building's obligation to fund the TDM Budget exceed the proportion set forth in the TDM Plan. The TPM shall provide written documentation to FCDOT demonstrating the establishment of the TDM Account within ten (10) days of its establishment. The TDM Account shall be replenished annually thereafter following the establishment of each year's TDM Budget. The TDM Account shall be managed by the TPM.

- H. TDM Incentive Fund. The "TDM Incentive Fund" is an account into which the Applicant, through the TPM, shall deposit a contribution to fund a multimodal incentive program for initial purchasers/lessees within the Proposed Development. A one-time contribution of \$5,230.00 shall be made prior to the issuance of the first RUP for the Property; this amount is based on a rate of \$0.01 per gross square foot of residential use constructed on the Property. In addition to providing transit incentives, such contributions may also be used for enhancing/providing multimodal facilities within and proximate to the Property.
- I. Monitoring. The TPM shall verify that the proffered trip reduction goals are being met through the provision of Commute Surveys and/or Vehicular Traffic Counts of new residential uses and/or other such methods as may be reviewed and approved by FCDOT. The results of such Commute Surveys and Vehicular Traffic Counts shall be provided to FCDOT as part of the Annual Reporting process. Commute Surveys shall be conducted and Vehicular Traffic Counts collected for the Property one year following issuance of the final initial RUP for Building A or the final initial RUP for the combined two-over two multi-family dwellings and the single-family attached dwellings on the Property.

Commute Surveys shall be conducted every three (3) years thereafter and Vehicular Traffic Counts shall be collected every two (2) years thereafter until the results of three consecutive annual traffic counts show that the applicable Maximum Trips After Reduction for the Property are not exceeded. At such time as three consecutive traffic counts show that the applicable Maximum Trips After Reduction for the Property has not been exceeded, the Applicant Control Period associated with the Property shall terminate. Any time during which Person Survey response rates do not reach twenty percent (20%), FCDOT may request additional surveys to be conducted the following year. At such time and notwithstanding the provisions below, Commute Surveys and Vehicular Traffic Counts shall thereafter be provided every five (5) years. Notwithstanding the aforementioned, at any time prior to or after Build-Out, FCDOT may suspend

such Commute Surveys and/or Vehicular Traffic Counts if conditions warrant such.

AFFORDABLE/WORKFORCE HOUSING

27. Affordable Dwelling Units. Affordable Dwelling Units ("ADUs") shall be provided pursuant to Part 8 of Article 2 of the Ordinance unless modified by the ADU Advisory Board. The Applicant reserves the right to provide ADUs associated with the two-over two multi-family dwellings and the single-family attached dwellings within Building A, but only with the written authorization of the owner of the Building A site (Tax Map parcels 16-3 ((1)) 29D and 16-3 ((11)) 7).
28. Workforce Dwelling Units. In addition to any ADUs that may be required pursuant to these Proffers, the Applicant shall also provide Workforce Dwelling Units ("WDUs") on the Property in accordance with the Board of Supervisors' Workforce Dwelling Unit Administrative Policy Guidelines dated October 15, 2007. WDUs shall be provided such that the total number of ADUs, if any, plus the total number of WDUs results in not less than twelve percent (12%) of the total residential units constructed as part of the Proposed Development; with any units created with bonus floor area excluded from the 12% WDU calculation. Any ADUs and the ADU bonus units shall be deducted from the total number of dwelling units on which the WDU calculation is based.

The Applicant reserves the right to provide WDUs associated with the two-over two multi-family dwellings and single-family attached dwellings within Building A, but only with the written authorization of the owner of the Building A site (Tax Map parcels 16-3 ((1)) 29D and 16-3 ((11)) 7). The WDUs shall have a bedroom mix similar to the bedroom mix in the market rate units in the same building.

PARKS AND RECREATIONAL FACILITIES

29. Publicly Accessible Parks. The Applicant shall provide publicly-accessible park and open space areas on the Property in general conformance with the concepts and locations and depicted on the CDP/FDP. The Applicant shall retain the area(s) in fee simple, ensure that the park space is open to the public for periods of time consistent with traditional Fairfax County parks; and provide for perpetual private maintenance. Public access easements shall be recorded over the trails, walkways, and nearby seating areas within publicly accessible parks, however the Applicant reserves the right to reasonably restrict access for limited times for special events, security, maintenance and repairs, and/or safety purposes.

The variety and quantity of recreational facilities and amenities provided in the publicly accessible parks shall generally follow those shown on the CDP/FDP, but the recreational facilities and amenities to be provided shall be subject to refinement and adjustment at the time of site plan, provided they result in a similar variety and level of physical activity.

The following publicly accessed parks shall be provided as identified on Sheet 8A of the CDP:

- A. A Community Pocket Park to be located west of Verisign Way includes an open lawn panel, shade structure, adult exercise/fitness area, decorative pavement, asphalt trails, seating and enhanced landscaping as generally shown on Sheet 11 of the CDP/FDP. Construction of this park shall be concurrent with Building A.
 - B. An Amphitheater Lawn Terrace and Linear Park to be located along the south side of the existing pond between Verisign Way and Woodland Park Road includes a terraced lawn, shade structures, riparian plantings, benches, lighting, fencing, and pathways as generally shown on Sheet 12 of the CDP/FDP. Construction of the Amphitheater Lawn Terrace and the portion of the Linear Park between Verisign Way and the Amphitheater Lawn Terrace shall occur concurrently with Building A. The portion of the Linear Park east of the Amphitheater Lawn Terrace shall be constructed concurrently with the single-family attached units fronting on to the pond. Notwithstanding what is shown on the CDP/FDP, the private entrance stoops for the adjacent single-family attached dwellings shall be reduced in size in order to accommodate a landing behind the public path/sidewalk and avoid pedestrian conflicts.
 - C. Pedestrian Promenade Park, a linear park located between Building A and the two-over two multi-family units that will include low-impact development techniques, multi-level pedestrian sidewalks, enhanced landscaping, and benches as generally shown on Sheet 13 of the CDP/FDP. Construction of this park shall occur with the construction of Building A or the two-over-two multi-family units, whichever occurs last.
30. Amenities and Facilities for Residents. The Applicant shall provide on-site recreational facilities for the future residents of the Property. Pursuant to Paragraph 2 of Section 16-404 of the Ordinance regarding developed recreational facilities, the Applicant shall expend a minimum of \$1,800 per market-rate unit on such recreation facilities. Prior to final bond release for the Property, the balance of any funds not expended on-site, as determined by DPWES shall be contributed to the Fairfax County Board of Supervisors for the provision of recreation facilities serving the vicinity of the Property. Amenities to be provided may include, but not be limited to:
- A. Exterior recreational areas and interior open courtyards which may include, but not be limited to, seating areas, walking paths, specialty landscaping, lawn areas, hardscape areas, passive recreation areas, tot lots, outdoor adult exercise areas and swimming pools;
 - B. Clubroom(s) for community gatherings (Building A);
 - C. Media/entertainment center(s) (Building A); and

- D. Fitness center(s) with exercise equipment such as stationary bikes, treadmills, weight machines, free weights, etc. and/or sports courts (Building A).
31. Athletic Field Contribution. To address the Comprehensive Plan's recommendations for the provision of athletic fields, the Applicant shall contribute the sum of \$900,000 to the Board of Supervisors for the acquisition and/or development of athletic fields serving the the vicinity of the Property, in consultation with the Dranesville Supervisor's office and the Fairfax County Park Authority. The contribution shall be made in two payments as follows:
- A. Prior to the issuance of the first RUP for Building A, the Applicant shall contribute the sum of \$540,000; and
- B. Prior to the issuance of the first RUP for either the two-over-two multi-family units or the single-family attached units, the Applicant shall contribute the sum of \$360,000.

PUBLIC FACILITIES

32. Public School Contribution. Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, as revised, the Applicant shall contribute \$11,749 per expected student (based on a ratio of 0.100 student per multi-family unit, 0.325 student per two-over two multi-family unit, and 0.441 student per single-family attached unit) to the Fairfax County School Board to be utilized for capital improvements to schools that any students generated by the Property will attend. Such contribution shall be made in two installments. One installment shall be made prior to the issuance of the first RUP for Building A based on the actual number of dwelling units built in that building. The other installment shall be made prior to the issuance of the first RUP for the two-over-two multi-family units and the single-family attached units based on the actual number of dwelling units approved on the applicable portion of the site plan.

If, prior to site plan approval for the respective residential buildings, Fairfax County should modify, on a county-wide basis, the expected ratio of students per subject multi-family or single family attached unit or the amount of the contribution per student, the amount of the contribution shall be modified for that building to reflect the then current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the amount of the contribution shall be decreased to reflect the current ratio and/or contribution. This contribution is not subject to the provisions of Proffer 39.

33. Fire Department Contribution. The Applicant shall contribute a total of \$20,000 to Fairfax County toward the cost of preemptive devices on traffic signals. A contribution of \$10,000 shall be paid upon site plan approval for Building A and a second contribution of \$10,000 shall be paid upon site plan approval for the two-over-two multi-family units or single-family attached dwelling unit, whichever shall occur first.

ENVIRONMENT

34. Stormwater Management.
- A. Stormwater Management/Best Management Practices (“SWM/BMPs”) for the Property have been provided pursuant to the overall SWM/BMP “Woodland Park Pond” plan previously constructed partially on-site and partially off-site pursuant to Site Plan 5518-SP-006-3. The Proposed Development complies with the Fairfax County Storm Water Management Code as stated in Stormwater Management Ordinance Determination letter #5518-SWOD-003-1 provided by DPWES on February 5, 2016 and included on Sheet 26 of the CDP/FDP.
- B. To further meet the objectives of the Comprehensive Plan with regard to environmental stewardship and the goal of reducing stormwater runoff volume or delaying its entry in to the stream system, and subject to DPWES approval, the Applicant shall utilize low impact development (“LID”) techniques as reflected on Sheet 28 of the CDP/FDP.
35. Floodplain Review. At the time of site plan approval, the Applicant shall provide documentation to DPWES verifying the location of the floodplain on the Property. Should any individual lots extend into the floodplain, the Applicant shall inform the prospective purchaser(s) of such lot(s) of the floodplain location in writing prior to entering into a contract of sale. A floodplain disclosure, identifying the lots extending in the floodplain, shall be included in the homeowner's association documents in order to provide notice to prospective purchasers in connection with future resales of the units.

MISCELLANEOUS

36. Metrorail Tax District Buyout for Residential Single Family Attached and Two-Over Two Multi-Family Uses. Approval of this Application will change the use of a portion of the Property from one that is subject to an annual special improvement tax payable to the Phase II Dulles Rail Transportation Improvement District (the “District”) to one that is not subject to payment of that tax. Pursuant to Virginia Code Ann. §33.2-2107 (2016), the Applicant shall pay to the County an amount to be determined by the Department of Tax Administration, which is the amount representing the County’s estimate of the present value of special improvement taxes that would have been payable to the District had that portion of the Property continued as a use subject to payment of that tax. This payment is due to the County from the Applicant within 60 days of the end of the appeal period associated with the date of approval of this Application. If that payment is not made, then this approval shall be null and void and of no effect, without further action by the Board of Supervisors. If at some future time, the Property again becomes subject to payment of the special improvement tax to the District, then a portion of the lump sum payment may be credited towards the payment of subsequent special improvement taxes for the Property in an amount as reasonably determined by the County on a pro rata basis, considering the lapse of time that the Property was not so subject to payment of the special improvement tax.

37. Metrorail Tax District Buyout for Building A. At least sixty days prior to registration with the Common Interest Community Board of any residential condominium documents and/or at least sixty days prior to recordation of homeowner association documents that would change the use of the Building A from a use that is taxable for purposes of the now existing Phase II Dulles Rail Transportation Improvement District (the "Phase II District") to a use that is not subject to the Phase II District tax, the Applicant shall provide a written notice to the Director of the Real Estate Division of the Fairfax County Department of Tax Administration advising that the Applicant intends to register such condominium documents or record such homeowner association documents for that portion of the Property. Prior to registering the condominium documents or recording such homeowner association documents, the Applicant shall pay to Fairfax County a sum equal to the then-present value of Phase II District taxes estimated by the County to be lost as a result of that change in use.
38. Zoning Administrator Consideration. Notwithstanding the foregoing, upon demonstration by the Applicant that, despite diligent efforts or due to factors beyond the Applicant's control, the required improvements proffered have been delayed (due to, but not limited to an inability to secure necessary permission for utility relocations and/or VDOT approval for traffic signals, etc.) beyond the timeframes specified, the Zoning Administrator may agree to a later date for completion of these improvement(s).
39. Adjustment in Contribution Amounts. All monetary contributions, except as may be further specified in these Proffers, shall adjust on a yearly basis from the base month of January 2018 and change effective each January 1 thereafter, as permitted by Virginia State Code Section 15.2-2303.3.
40. Advanced Density Credit. Advanced density credit is reserved consistent with the provisions of the Fairfax County Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.
41. Severability. Pursuant to Section 18-204 of the Ordinance, any portion of the Property may be the subject of a proffered condition amendment ("PCA"), Special Exception ("SE"), Special Permit ("SP"), or Final Development Plan Amendment ("FDPA") without joinder and/or consent of the owners of the other portions of the Property, provided that such PCA, SE, SP or FDPA does not materially adversely affect the other phases. Previously approved zoning applications applicable to the balance of the Property that is not the subject of such a PCA, SE, SP or FDPA shall otherwise remain in full force and effect.
42. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and their successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicant's successor(s) in interest and/or the owners from time to time of any portion of the Property during the period of their ownership. Once portions of the 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 transferee. With respect to

any portion of the Property subject to a COA or HOA, the COA or HOA shall have liability for performance of any applicable proffers, but not the individual condominium owners.

43. 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.

[SIGNATURES BEGIN ON NEXT PAGE]

APPLICANT/CONTRACT PURCHASER
of Tax Map 16-3 ((1)) 29D, 29E and 16-3 ((11)) 7

NVR, INC.

By: _____

Name: Jeffrey D. Martchek

Its: President Homebuilding Operations

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF
Tax Map 16-3 ((1)) 29D and 16-3 ((11)) 7

WOODLAND PARK TWO DULLES, L.P.

By: _____
Name: Steven R. Wechsler
Its: Senior Managing Director

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF
Tax Map 16-3 ((1)) 29E

COPT WATERVIEW III, LLC

By: _____
Name: Stephen E. Budorick
Its: President

[SIGNATURES END]



County of Fairfax, Virginia

September 16, 2016

RECEIVED
Department of Planning & Zoning

SEP 21 2016

Zoning Evaluation Division

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Earl L. Flanagan
Mount Vernon District

Kenneth A. Lawrence
Providence District

Karen Keys-Gamarra
Sully District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

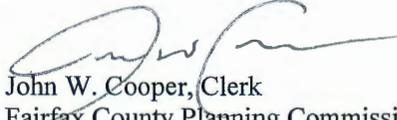
Elizabeth Baker, Esquire
Walsh, Colucci, Lubeley & Walsh PC
2200 Clarendon Boulevard, Ste. 1300
Arlington, Virginia 22201

**Re: RZ/FDP 2016-DR-001/PCA 1999-HM-037/SEA 97-H-070-03 – NVR, INC.
Dranesville District**

Dear Ms. Baker:

At its September 14, 2016 meeting, the Planning Commission voted 9-0 (Commissioners Hedetniemi, Lawrence and Strandlie were absent from the meeting.) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of October 26, 2016. A copy of the verbatim transcript is attached.

Sincerely,


John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: John W. Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Laura Arseneau, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
September 14, 2016 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



Planning Commission Meeting
September 14, 2016
Verbatim Excerpt

RZ/FDP 2016-DR-001/PCA 1999-HM-037/SEA 97-H-070-03 – NVR, INC

After close of the public hearing.

Chairman Murphy: Public hearing is closed. Recognize Mr. Ulfelder, please.

Commissioner Ulfelder: I'm not sure I recognize myself right now. I MOVE, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 1999-HM-037, SEA 97-H-070-03, AND RZ/FDP 2016-DR-001 TO A DATE CERTAIN OF OCTOBER 26TH, is that possible? Okay, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion to defer decision on these applications to a date certain of October 26th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 9-0. Commissioners Hedetniemi, Lawrence and Strandlie were absent from the meeting.)

TMW