County of Fairfax, Virginia
Planning Commission Meeting
January 8, 2025
Planning Commission Action

RZ/FDP 2020-PR-015 Concurrent with PCA 78-P-137-05 – A&A Flint Hill Four LLC and A&A Flint Hill One LLC
(Providence District)

PLANNING COMMISSION RECOMMENDATIONS:
On January 8, 2025, the Planning Commission voted 10-0-1 (Commissioner Batchelor-Causey abstained from the vote) to recommend to the Board of Supervisors the following actions:

- Approval of PCA-78-P-137-05;

- Approval of RZ-2020-PR-015 and its associated CDP, subject to the execution of proffers consistent with those dated December 31, 2024;

- Approval of a waiver of Zoning Ordinance Section 2105, which requires a privacy yard of 200 square feet for each single family attached unit;

- Approval of a modification of the adequate receiving facilities requirements of Zoning Ordinance Section 6101.2.M to permit 7 delivery spaces in lieu of the required receiving facility for each multifamily building;

- Approval of a waiver of the private street maximum length of 600 feet in length requirements of Zoning Ordinance Section 5107; and

- Approval of a modification of the transitional screening and barrier requirements of Zoning Ordinance Section 5108 along a portion of the southern boundary, which requires a 25-foot Type 1 Transitional Screening Yard (TSY) to that shown on the CDP/FDP.

In a related action, the Planning Commission voted 10-0-1 (Commissioner Batchelor-Causey abstained from the vote) to approve FDP-2020-PR-015.

ATTACHED DOCUMENTS:
Proffers dated December 31, 2024

CD

FLINT HILL A & A

RZ 2020-PR-015
PROFFERS

March 2021
Revised August 9, 2021
Revised November 5, 2021
Revised May 2, 2022
Revised October 17, 2022
Revised February 22, 2024
Revised May 31, 2024
Revised August 23, 2024
Revised November 26, 2024
Revised December 19, 2024
Revised December 31, 2024

PREAMBLE

Pursuant to Section 15.2-2303(a) of the Code of Virginia (1950, as amended) and subsection 8100.2.D Zoning Ordinance of Fairfax County (2021, as amended), the property owner and the Applicant, for themselves and their successors and/or assigns (hereinafter referred to as the "Applicant"), hereby proffer that the development of the parcel under consideration and shown on the Fairfax County tax map as Tax Map Nos 47-03-01-0029D and 47-4-01-001A (the "Property") must be in accordance with the following conditions if, and only if, Rezoning application RZ 2020-PR-015 (this "Rezoning") is granted. Upon approval, these Proffers will supersede any and all previously approved proffers and development conditions associated with RZ 78-P-137 and subsequent amendments, as they apply to the Property.

GENERAL

1. Conceptual/ Final Development Plan. Any development of the Property must be in substantial conformance with the Conceptual Development Plan ("CDP") and Final Development Plan ("FDP") entitled "FLINT HILL", prepared by VIKA dated August 14, 2020 and revised through November 08, 2024.

2. Elements of CDP. Notwithstanding the fact that the CDP and FDP are presented on the same plan, the elements that are components of the CDP are limited to the perimeter points of access the proposed uses; ; the approximate location of proposed uses and structures; the maximum number, and types of dwelling units;, minimum amount of open space;, quality, character and minimum amount of park space, the maximum building heights, the grid of streets, and only a future amendment to such elements will require a subsequent Conceptual Development Plan Amendment ("CDPA") or Proffered Condition Amendment ("PCA"). Other elements of the CDP may be adjusted

or modified with approval of future Final Development Plan Amendments ("FDPAs") and or Proffered Condition Amendment in accordance with the provisions set forth in the Fairfax County Zoning Ordinance (the "Ordinance").

3. Minor Modifications. Minor modifications to the CDP/FDP may be permitted when necessitated by final site design or engineering, pursuant to Article 8 of the Zoning Ordinance.

4. Maximum Unit Count. The unit count ("Unit Count") constructed of the project must not exceed the maximum dwelling units for each unit consisting of a maximum of 186 multifamily units (triplexes) and 88 single family attached dwelling units, for a total maximum unit count of 274 dwellings.

5. Establishment of Common Association/Homeowners Association (COA/HOA). Prior to issuance of the first RUP for the Property, the Applicant will establish a common association in accordance with Virginia law to govern the Property. Such common association may consist of one or more umbrella owners' associations, as well as individual condominium owners' associations, sub-condominium owners' associations, or other community/homeowner associations (collectively, "COAs" or "HOAs") formed for specific buildings (the "Common Association" or "HOA" as appropriate). The COAs will include all of the reciprocal easement agreements, or declarations of covenants and agreements dealing with the governance of maintenance and operation of the Property or other governance documents which will legally bind the Property (collectively referred to as the "Governance Documents"). At a minimum, each COA and the owners of each unit for the Single-Family Units as appropriate and must be members of the Common Association. The respective Governance Documents (including budgets provided in any offering or sale materials) must specify the various proffer and maintenance obligations set forth in these Proffers, including the maintenance of private streets, stormwater facilities, retaining walls, associated sidewalks and streetscapes, and site amenities such as, but not limited to, the publicly accessible onsite recreation areas.

6. Disclosure. Prior to entering into a contract of sale, prospective purchasers of any residential units must be provided with a disclosure package that will include a detailed description of how the Project is governed, and the maintenance responsibility for the private roadways, walkways, stormwater management facilities, retaining walls, common area landscaping, park spaces and any other open space amenities. The package must also contain a disclosure explaining that the community open space areas are open to the general public. A noise-related disclosure is included below in Noise proffer.

7. Retaining Walls. The Applicant reserves the right to install additional retaining walls under three feet in height and to modify existing retaining walls on the Application Property, subject to the approval of LDS, without the need for a PCA or CDPA/FDPA if determined necessary at the time of site plan, so long as those existing retaining walls do not become taller in height. The maximum permitted

retaining wall height is depicted on the CDP/FDP and must be of high-quality materials and in general conformance with the retaining wall detail depicted on Sheet C-09 of the CDP/FDP to complement the architecture.

8. Architecture. At the time of site plan, it will be demonstrated to LDS that the architectural design of the proposed buildings is in substantial conformance with the bulk, mass, proportion and type and quality of materials shown on the examples shown in the CDP/FDP. It will also be demonstrated that the colors of the front, side and rear of the units are consistent with that shown on the CDP/FDP. The primary building material of all front facades of all Single-Family Attached Units, and multifamily units (triplexes), including any ADU or WDU units, if any, (defined below), exclusive of trim, will be limited to high quality materials such as brick, stone, horizontal cementitious siding, shingles, or other similar materials. In addition, any side or rear façade will also be constructed of high-quality materials as depicted in the CDP/FDP. The location and number of building exterior entrances/stoops are illustrative and will be finalized at the time of final site plan approval. Prior to the issuance of the building permit, it will be demonstrated to the satisfaction of Land Development Services (LDS) that the final architectural design is in substantial conformance with the general type, quality and proportion of materials depicted in building perspectives shown on the CDP/FDP

9. Universal Design.

    a. At the time of initial purchase of any unit which has yet to begin construction, the Applicant will make available upon request to each purchaser the following Universal Design options at no additional cost.

        i. Blocking for reinforcement of grab bars in accordance with the Fair Housing Accessibility Guidelines.

        ii. Front entrance doors that are a minimum of 36 inches wide.

        iii. Light switches and thermostats a maximum of 48 inches high, as measured from the floor to the bottom of the fixture.

        iv. Lever door handles and faucets instead of knobs.

        v. Clear knee space of 27 inches under the kitchen sink.

        vi. Electrical outlets a minimum of 15 inches high, as measured from the floor to the bottom of the fixture.

    b. At the time of initial purchase of any unit which has yet to begin construction, the Applicant must make available upon request to each purchaser additional Universal Design options at the purchaser's sole cost. These additional options may include, but not be limited to:

i. A shower with a maximum curb of 2 inches high.

ii. A bathroom on the entry level which meets the accessibility specifications for a Type A bathroom under the Fair Housing Accessibility Guidelines. This must not be construed to require step-less entry from the exterior into the house.

iii. Grab bars in the bathrooms that are ADA compliant.

iv. Strobe lights as smoke alarms for hearing-impaired residents.

v. If shown on the approved site plan, step-less entry from the garage to the house to the extent permitted by the then current edition of the Virginia Statewide Building Code and to the extent lot and site grading conditions allow.

TRANSPORTATION

10. Private Streets. The on-site private streets will be constructed in conformance with the Public Facilities Manual (the "PFM") and will be constructed of materials and depth of pavement consistent with the PFM, subject to any design modifications as to pavement and easement width and use of curb, that are approved by the Director of LDS. The Homeowners' Association will be responsible for the maintenance of the on-site private streets. All prospective purchasers will be advised of this maintenance obligation prior to entering into a contract of sale and said obligation will be disclosed in the HOA documents.

11. Public Access Easements. At the time of record plat recordation, the Applicant must cause to be recorded among the land records a public access easement running to the benefit of Fairfax County, in a form acceptable to the County Attorney, over all the private streets, sidewalks, trails and park space as shown on the CDP/FDP. Such facilities must be maintained by the COA/HOA where appropriate. This public access will include all sidewalks, trails and open space areas on common property, subject to reasonable rules and regulations provided by the COA. Such public access also includes emergency vehicle access, in a form acceptable to the County Attorney.

12. Rosehaven Street Entrance. Prior to issuance of the first RUP on the Property and subject to approval by VDOT, the Applicant will construct a vehicular entrance to the Property along Rosehaven Street (Route #6630) as shown on the CDP/FDP. Construct means open for operation but not necessarily accepted by VDOT into the secondary system for maintenance.

13. Interparcel Connections to the South and North. Prior to the issuance of the first RUP, the applicant will construct the onsite vehicular interparcel connections as generally shown on the CDP/FDP and will make a good faith effort to coordinate with the adjacent parcel owner(s) to the south (Tax Map 0474 01 0005E) and north (Tax Map 0472 01 0046D) on their ultimate design and location as well as record any easements

required to construct the facility and to provide access between the adjacent properties. The interparcel connection to the north (Tax Map 0472 01 0046D) may be modified in coordination with FCDOT at the time of Site Plan, without the need for a PCA or CDPA/FDPA, so long as it does not affect the maximum residential density shown on the CDP/FDP.

14. Bicycle Parking. The Applicant will provide bicycle parking in accordance with Fairfax County Bicycle Parking Guidelines. The final location, quantity, and type of bicycle racks and bicycle parking will be determined in consultation with the Fairfax County Department of Transportation Bicycle Coordinator or his/her designee prior to site plan approval.

15. Bus Stop Facilities. The Applicant will install an ADA compliant bus stop along the Arrowhead Drive Property frontage as depicted in the CDP/FDP, prior to the first RUP on the Property, in consultation with FCDOT. Bus stop will include concrete pad, trash receptacle, and bench. Prior to issuance of the first RUP for any unit, the Applicant will construct a bus pad and shelter at existing Metrobus stop ID 5001282 on Rosehaven Street shown on the CDP/FDP, subject to review and approval by FCDOT.

16. Construction Access. The staging and parking of construction vehicles must occur on the Property, including personal vehicles utilized by construction workers. The hours of outdoor construction must be posted in English and in Spanish. The Applicant must provide the Providence District Supervisor's office with a point of contact for construction related issues. The Applicant or other responsible party must provide an initial response to construction related issues within 24 hours of receiving notice.

17. Signal Timing. Prior to issuance of the first RUP on the Property, the Applicant, and subject to review and approval by VDOT, the Applicant will make the appropriate signal modifications to the following traffic signals as identified in the operational analysis: Chain Bridge Road and Jermantown Road; and Chain Bridge Road and Rose Forest Drive/White Granite Drive.

18. Jermantown Road/Northern Entrance Restriping. Prior to the issuance of the first RUP, and subject to review and approval by VDOT, the Applicant must restripe the northbound approach of the intersection of Jermantown Road and the northern entrance shared with the property abutting the Applicant Property's northern property line, to that shown on the CDP/FDP with a dedicated left and right turn lane.

19. Streetscape. Prior to the issuance of the first RUP, the Applicant will construct the streetscape improvements along the property frontages depicted on the Sheet C-10 CDP/FDP plan including landscape amenity panels and 8 foot wide sidewalks. The applicant will dedicate to the county, at no cost, additional right-of-way necessary to accommodate the ultimate configuration.

20. Arrowhead Drive and Rosehaven Street Restriping. Prior to the issuance of the first RUP, the Applicant will restripe the portions Arrowhead Drive and Rosehaven Street abutting the property as shown on Sheet C-10 of the CDP/FDP including 6 foot bike lanes (on each side) and 11 foot travel lanes, additional right-of-way necessary to accommodate the ultimate configuration.

21. Transportation Demand Management. This Proffer sets forth the programmatic elements of a transportation demand management program that must be implemented by the Applicant, and subsequently, as appropriate, the property owner or Condominium Owners Association (COA), to encourage the use of transit (Metrorail and bus), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce automobile trips generated by the residential and or commercial uses constructed on the Property

    a. Definitions. For purposes of this Proffer, "Stabilization" must be deemed to occur one (1) year following issuance of the last initial RUP or Non-RUP for the final new building to be constructed on the Subject Property. "Pre-stabilization" must be deemed to occur any time prior to Stabilization.

    b. Transportation Demand Management Plan. The Applicant must be responsible for submitting the Transportation Demand Management Work Plan (the "TDM Work Plan") to FCDOT for approval prior to site plan approval. The proffered elements of the TDM Program as set forth below are more fully described in this plan. It is the intent of this Proffer that the TDM Work Plan will adapt over time to respond to the changing transportation related circumstances of the Subject 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 in these Proffers. Accordingly, modifications, revisions, and supplements to the TDM Work 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.

    c. Transportation Management Association. The Applicant must participate in or otherwise become associated with a larger Transportation Management Association should one be established for this area.

    d. Trip Reduction Goals, The objective of the TDM Plan is to reduce the number of weekday peak hour vehicle trips generated by the residential uses located within the Property through the use of mass transit, ridesharing and other strategies including but not limited to those outlined in the TDM Strategic Plan. In addition, the implementation of enhanced pedestrian and bicycle connections/facilities will provide safe and convenient access to nearby Metrorail and bus facilities thereby encouraging commuting options other than the automobile to residents and visitors to the Property.

        i. Baseline, The baseline number of weekday peak hour residential vehicle

trips for the proposed units within the Property against which the TDM Goals (as defined in subparagraph D.2) will be measured must be derived upon the number of residential units site plan approved, constructed and occupied on the Property as part of the proposed development at the time traffic counts are conducted in accordance with subparagraph E.2, or as qualified below and using the trip generation rates/equations applicable to such residential uses as set forth in the Institute of Transportation Engineers, Trip Generation, 10th Edition for Land Use Code = 220. In the event at Build Out, the Applicant has constructed fewer than residential units as part of the proposed development, then the Baseline Trip generation numbers applicable upon Build Out will be calculated as if the residential units had actually been constructed as reflected in the Traffic Impact Study for the Applicant.

ii. TDM Goal. The TDM strategies will be utilized to reduce the peak hour vehicular trips by a minimum of twenty percent (20%) for the residential uses.

e. Process of Implementation. The TDM Program must be implemented as follows, provided that modifications, revisions, and supplements to the implementation process as set forth herein as coordinated with FCDOT can be made without requiring a PCA.

i. TDM Program Manager. The applicant must appoint and continuously employ, or cause to be employed, a TDM Program Manager (TPM) for Subject Property/COA. If not previously appointed, the TPM must be appointed by no later than sixty (60) days after the issuance of the first building permit for the first new building to be constructed on the Subject Property. The TPM duties may be part of other duties associated with the appointee. The TPM must notify FCDOT in writing within 10 days of the appointment of the TPM. Thereafter the AG must do the same within ten (10) days of any change in such appointment.

ii. Annual Report and Budget. Every calendar year after the first issuance of RUP or Non-RUP, and no later than (January 1), the TPM must submit an Annual Report, based on a report template provided by FCDOT, which may revise the Annual Budget in order to incorporate any new construction on the Subject Property. Any changes to the TDM Plan must be highlighted in this report.

iii. The Annual Report and Budget must be reviewed by FCDOT. If FCDOT has not responded with any comments within sixty (60) days after submission, then the Annual Report and Budget will be deemed approved and the program elements will be implemented. If FCDOT responds with comments on the Annual Report and

Budget, 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 must submit such revisions to the program and/or budget as discussed and agreed to with FCDOT and begin implementation of the approved program and fund the approved TDM Budget.

iv. TDM Account. The TPM must establish a separate interest bearing account with a bank or other financial institution qualified to do business in Virginia (the "TDM Account") within 30 days after approval of the TDM Plan and TDM Budget. All interest earned on the principal must remain in the TDM Account and must be used by the TPM for TDM purposes.

v. TDM Incentive Fund. The "TDM Incentive Fund" is an account into which the building owners, through the TPM, must deposit contributions to fund a multimodal incentive program for initial purchasers/lessees on the Property. Such contributions will be made one time on a building by building basis at the rate of $0.01 per gross square foot of new office or residential uses to be constructed on the Subject Property and provided prior to the issuance of the first RUP or Non-RUP for each individual building. In addition to providing transit incentives, such contributions may also be used for enhancing/providing multimodal facilities within and proximate to the Subject Property.

vi. Monitoring. The TPM must verify that the proffered trip reduction goals are being met through the completion of Person Surveys, Vehicular Traffic Counts of residential and/or office uses and/or other such methods as may be reviewed and approved by FCDOT. The results of such Person Surveys and Vehicular Traffic Counts must be provided to FCDOT as part of the Annual Reporting process. Person Surveys and Vehicular Traffic Counts must be conducted for the Subject Property beginning one year following issuance of the final initial RUP or Non-RUP for the first new building to be constructed on the Subject Property. Person Surveys must be conducted every three (3) years and Vehicular Traffic Counts must be collected biennially until the results of three consecutive annual traffic counts conducted upon Build Out show that the applicable trip reduction goals for the Subject Property have been met. Any time during which Person Survey response rates do not reach 20%, FCDOT may request additional surveys be conducted the following year. At such time and notwithstanding Paragraph F below, Person Surveys and Vehicular Traffic Counts must thereafter be provided every five (5) years. Notwithstanding the aforementioned, at any time prior to or after Stabilization,

FCDOT may suspend such Vehicle Traffic Counts if conditions warrant such.

f. Additional Trip Counts. If an Annual Report indicates that a change has occurred that is significant enough to reasonably call into question whether the applicable vehicle trip reduction goals are continuing to be met, then FCDOT may require the TPM to conduct additional Vehicular Traffic Counts (pursuant to the methodology set forth in the TDM Plan) within 90 days to determine whether in fact such objectives are being met. If any such Vehicular Traffic Counts demonstrate that the applicable vehicle trip reduction goals are not being met, then the TPM must meet with FCDOT to review the TDM strategies in place and to develop modifications to the TDM Plan to address the surplus of trips.

g. Continuing Implementation. The TPM will bear sole responsibility for continuing implementation of the TDM Program and compliance with this Proffer. The TPM must continue to administer the TDM Program in the ordinary course in accordance with this Proffer including submission of Annual Reports.

h. Notice to Owners. All owners of the Subject Property must be advised of the TDM Program set forth in this Proffer. The then current owner must advise all successor owners and/or developers of their funding obligations pursuant to the requirements of this Proffer prior to purchase and the requirements of the TDM Program, including the annual contribution to the TDM Program (as provided herein), must be included in all initial and subsequent purchase documents.

i. Enforcement. If the PM fails to timely submit the Annual Report to FCDOT as required by this Proffer, the County may thereafter issue the PM a notice stating that the PM has violated the terms of this Proffer DC.4.J and providing the PM sixty (60) days after receipt of said notice within which to cure such violation. If after such sixty (60) day period the PM has not submitted the delinquent Annual Report, then, the Applicant and/or U0A/H0A/COA, as applicable, will be subject to a penalty of $50 per day payable to Fairfax County to be used for transit or transportation related improvements in the vicinity of the Property until such time as the report is submitted to FCDOT.

ENVIRONMENTAL

22. Landscape Plan. The CDP/FDP includes a conceptual landscape plan for the Property and detail sheets illustrating the plantings and other features to be provided. As part of each site plan submission, the Applicant must submit to Forest Conservation Division (FCON) of LDS for review and approval a detailed landscape plan (the "Landscape Plan"), which must be consistent with the quality and quantity of plantings and materials shown on the CDP/FDP, to include landscaping native to the mid-Atlantic region to the extent available and feasible, and must be non-invasive (meaning the Applicant must not use any plant species identified in the 2014, or latest version, of the Virginia Invasive Plant Species List published by the Virginia Department of

Conservation and Recreation) and include a plant selection that includes species that will reduce the need for supplemental watering and the use of chemical fertilizers, herbicides and pesticides. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings must be permitted in consultation with and as approved by FCON.

23. Soil Remediation. Soil in all planting areas and under adjacent walkways must be the subject of remedial action to restore planting areas to satisfy the cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan, with attention to deep soil aeration, the addition of organic matter throughout the soil profile to at least 12 inches, and the addition of organic matter on top of the soil. Planting areas not used for walking or outdoor activities should be densely planted with native perennials to increase their habitat values and to avoid foot traffic and its attendant re-compaction of the amended soils. The Applicant will provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review by FCON.

24. Limits of Clearing and Grading. The Applicant must conform to the limits of clearing and grading generally as shown on the CDP/FDP, as may be modified by final engineering and the tree preservation walk-through. Allowances must be made for encroachments specified in the proffers and for the installation of utilities and/or trails. Utilities and/or trails in areas protected by the limits of clearing and grading must be located in the least disruptive manner necessary as determined by LDS in consultation with the FCON, DPWES.

25. Tree Preservation. The Applicant must submit a Tree Preservation Plan and Narrative with each site plan submission. The Tree Preservation Plan and Narrative must be prepared by a Certified Arborist or a Registered Consulting Arborist and must include elements of PFM Section 12-0309 deemed appropriate to the project site as determined by FCON.

26. Tree Preservation Measures. Tree preservation measures must be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications must be provided on the plan detailing how preservation measures will be implemented. Tree preservation activities must be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

27. Tree Preservation Walk-Through. The Applicant must schedule a walk-through meeting with FCON, DPWES prior to any site clearing. The Applicant must retain a certified arborist or a Registered Consulting Arborist to flag the limits of clearing and grading prior to the meeting. The Applicant's certified arborist or landscape architect or designated representative must walk the limits of clearing and grading with FCON, DPWES, representative to determine where adjustments to the clearing limits could be made to increase the area of tree preservation, and/or where alternative preservation

efforts that could save more trees are more effective. Such agreed upon adjustments must be implemented (no change to the clearing plan will be required).

Dead or dying trees within tree save areas may be removed. Any tree so designated may be removed using a chain saw or other method that minimizes disturbance to surrounding live trees and understory vegetation.

28. Project Arborist/Pre-construction Meeting. Prior to the pre-construction meeting the Applicant must have the approved limits of clearing and grading flagged with a continuous line of flagging. The Applicant must retain the services of a Certified Arborist or Registered Consulting Arborist (Project Arborist) to attend the pre-construction meeting to review the limits of clearing and grading with an FCON representative to determine where adjustments to the clearing limits can be made to increase the area of the tree preservation and/or to increase the survivability of trees at the limits of clearing and grading. Such adjustments must be recorded by the Project Arborist and tree protection fencing must be implemented under the Project Arborist's supervision based on these adjustments.

29. Site Monitoring. The Applicant's Project Arborist must be present on-site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist must visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by FCON. Written reports must be submitted to FCON and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports must be described and detailed in the Tree Preservation Plan.

30. Landscape Planting Pre-installation Meeting. Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer must coordinate a pre-installation meeting on the site with the landscape contractor, FCON staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan must be reviewed and must be approved by FCON staff prior to planting. The installation of plants not approved by FCON may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.

31. Invasive Species Management Plan: At the time of site plan submission the Applicant will provide a management narrative for review and approval by FCON specifying the common and scientific name of invasive species proposed for management, the target area along the limits of clearing and within any tree preservation areas located inside of the clearing limits for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring , duration of the management

program, and potential replanting along the limits of clearing as may be needed. The Applicant must monitor the managed areas for a period of five (5) years upon substantial completion of the development.

32. Transfer of Tree Preservation Plan Information: As a permittee that will convey ownership of forested areas in common open space to the Homeowners Association, the Applicant must, at the time the COA takes over management of the open space parcels, convey to the COA any long-term tree and forested area management information that was prepared to satisfy tree conservation plan requirements of the subdivision plan. Information must include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the subdivision plan and any additional work performed for preservation and/or maintenance of trees located in common open space.

33. Green Building: The Applicant must seek certification for the development from one of the following programs and must notify the Environmental Branch of DPD of the program selection at time of site plan submission:

    a. EarthCraft. Certification in accordance with the EarthCraft House or Multifamily Program as demonstrated through documentation provided to LDS and DPD prior to the issuance of the residential use permit (RUP) for each dwelling unit. If certification is still in process at time of RUP issuance, the applicant must provide documentation from the EarthCraft project manager demonstrating that the project has been registered, completed final inspection, and has met the requirements to attain EarthCraft Certification prior to RUP issuance for each dwelling unit. The applicant must provide documentation to LDS and DPD demonstrating that certification for the Proposed Development has been attained prior to final bond release.

    b. NGBS. Certification in accordance with the most current version of National Green Building Standard (NGBS) using either the ENERGY STAR® Qualified Homes path for energy performance, or another approved energy performance path, as demonstrated through documentation submitted the Environmental Branch of DPD 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 unit/building. To use an energy path other than ENERGY STAR, the dwelling unit must provide both the above referenced certification documentation and additional documentation demonstrating equivalent or greater energy performance to the ENERGY STAR standard prior to the issuance of the RUP for each dwelling unit/building.

    c. The Applicant may utilize an equivalent alternative program selected in consultation with and approved by the Environmental Branch of DPD prior to the site plan approval.

34. Noise. Concurrent with the first site plan and any subsequent site plan, a refined acoustical analysis, to include a building shell and barrier analysis, ("Noise Study") prepared by a qualified acoustical consultant, and based on final site grades as shown on the site plan and final architectural plans, will be submitted to LDS for distribution to the Development Review Branch (DRB) of the Department of Planning and Development (DPD) for review and approval. This study will determine whether noise attenuation measures are required to reduce the interior DNL to no more than 45 dBA for all residential units on the Property from transportation noise. Noise contours for any units impacted with interior DNL greater than 65 dBA must be shown on the site plan and identified on the building plans. If the Noise Study concludes that certain residential units will be affected by noise levels above 65 dBA then the Noise Study will make specific recommendations about construction methods and/or materials needed to reduce the interior DNL to no more than 45 dBA for any such units. The Applicant will comply with the recommendations contained in the Final Noise Study. For those residential units that are projected to be affected by exterior noise levels above 65 dBA, the Applicant will disclose in writing to the prospective purchasers of said units, prior to contract ratification and further disclosed in the COA/HOA Documents, that any exterior rear patios and decks may be impacted by higher noise levels.

35. Stormwater Management. As described in the stormwater narrative on sheet C-12, stormwater management and best management practice ("SWM/BMP") facilities will be provided as required to meet or exceed the minimum requirement for SWM/BMPs at the time of site plan approval. The type and quantity of SWM/BMPs shown are conceptual in nature and are only provided to indicate the types of facilities that may be provided to meet the minimum requirements. The Applicant will implement onsite SWM/BMP techniques to control the quantity and quality of stormwater runoff from the Property in accordance with all federal, state, and county regulations and standards in effect at the time of site plan approval for the Property. The purchase of nutrient credits will not be permitted.

36. Stormwater Pond. In consultation with Department of Public Works Environmental Services – Maintenance and Stormwater Management Division (DPWES-MSMD) and prior to the issuance of the first Residential Use Permit (RUP) on the Property, the Applicant will restore, to the extent feasible, the existing stormwater management facility to its original design configuration to ensure proper functionality, including those features related to hydraulics and water quality control. Restoration and maintenance of the facility will involve the removal of excess sediment, the reestablishment of the facility's original contours, and establishment of plantings consistent with the current standards outlined in the Public Facilities Manual (PFM). Additionally, the Applicant will reconfigure the existing riser control structure so as to enhance the facility's overall performance and reduce the frequency of maintenance (clogging) events. As part of pond rehabilitation, the Applicant will only modify the embankment surrounding the riser as necessary to accommodate the proposed riser improvements. The Applicant will ensure that the riser control structure, freeboard

requirements, and trash rack comply with the current standards outlined in the PFM unless modified or waived by Fairfax County Land Development Services
In addition, the Applicant will include in the HOA/COA Governance Documents, the requirement for the HOA/COA to establish a contact to work with the adjacent Oak Marr Townhome HOA to annually share a maintenance schedule of the stormwater management facility to improve outfall for their community.

37. Amenity Areas. The Applicant must provide community open space areas that must be open to the public with public access easements as described later in these proffers. The amenity areas will include elements consistent with the type and quality depicted on the CDP/FDP, which could include but are not limited to seating areas, open play areas, tot lots, outdoor grilling areas, sports courts, a fenced dog park, and other amenities reflected on the CDP/FDP. If such elements in substantial conformance with the CDP/FDP are not permitted by the existing utility easements, a PCA application will be required to offer alternative locations on the site. These amenities area must be provided prior to the first RUP.

38. Publicly Accessible Parks. Parks, trails, and open space shown as publicly accessible on the CDP/FDP for the Property, while retained in private ownership, must be located within a public access easement in a form approved by the County Attorney, and recorded among the land records of Fairfax County at time of site plan and will be subject to the review and approval of the Fairfax County Park Authority. Such public access easement must provide for perpetual private maintenance of the publicly accessible outdoor recreation facilities. The applicant reserves the right to set reasonable rules, regulations, and hours of operation for use of all outdoor recreation areas. Park spaces that are open to the public will be open for periods of time consistent with traditional County parks and subject to usual and customary rules and regulations. Signage directing the public to publicly accessible parks will be provided and will state that such areas are open to the public. These amenities area must be provided prior to the first RUP. Amenities are detailed on sheets L-02 and L-03A.

    Publicly accessible open space will be provided in the areas identified delineated and identified as Urban Park on the CDP/FDP and as described below:

    a. Central Park. Located on the west side of the site on private street frontage, and surrounded by residential units on 3 sides and approximately 38,500 square feet in size, this space serves as the community's central gathering space. Includes terraced overlook, sports court, several grilling areas with seating and tables, and open play areas. Landscaping, including canopy, ornamental trees, and shrubs and groundcover provide buffers from streets, and separate the park's various functional spaces.

    b. Urban Park A. Located on the southern edge of the site at the intersection of two private streets, and approximately 3,100 square feet in size. The park provides a highly visible seating area. Includes a seating area, kinetic sculpture, and landscaping.

c. Urban Park B. Located central to the site and approximately 2,700 square feet in size. The park provides seating for residents, along with landscaping.

d. Urban Park C. Located central to the site and approximately 12,100 square feet in size. The park provides an exercise area for residents. Includes exercise equipment, seating, and landscaping.

e. Urban Park D. Located in the northeast of the site, situated strategically to invite users of the larger community trail, and approximately 14,900 square feet in size. The park is a gathering place for children and people with pets. Includes children's play equipment, a fenced dog park, exercise equipment and landscaping.

39. Garages. All garages will only be used for a purpose that will not interfere with parking vehicles. This restriction must be disclosed in the COA documents. Prospective purchasers will be advised of this use restriction, in writing, prior to entering into a contract of sale. Additionally, information regarding the exact dimensions of the garages with a graphic depicting the area available for parking will also be disclosed per the parameters in this proffer. The initial deeds of conveyance and COA governing documents will expressly contain these disclosures. A covenant setting forth these restrictions will 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 lots and will run to the benefit of the COA and the Board of Supervisors. Notwithstanding the above, within the model unit, the Applicant will be entitled to use such garage space for a temporary sales office until such unit is sold. Prior to occupancy of such unit, the garage space must be converted to garage space and will be subject to this proffer.

40. Electric Vehicle Charging.

a. The Applicant must offer initial purchasers the option, at the purchasers cost, to install the required electrical panels for electric vehicle charging. For purposes of this Proffer, "electric vehicle-ready" or "EV-ready" means the provision of a universal space, conduit banks, conduits and access points allowing for the easy installation of a universal electric vehicle charging station in the future, and does not include the installation of transformers, switches, wiring or charging.

b. In addition, prior to issuance of the first RUP for the Single Family Attached Units, three (3) street parking spaces on the Property will be installed with at least universal Level 2 electric vehicle ("EV") charging infrastructure. The Applicant will include within site plan and building plan submissions, as applicable, the identification of these parking spaces. In addition, the Applicant will include, within closing documents, disclosure to prospective purchasers the presence of the EV parking spaces on the Property.

CONTRIBUTIONS

41. Recreation Contribution. Prior to issuance of a RUP, the Applicant must contribute a lump sum of $893 per resident as based on the published household sizes in the most recent Fairfax County Demographic reports and, based on the number units within that site plan approval to the Fairfax County Park Authority for use at off-site recreational facilities intended to serve the future residents of the Providence District, as determined by the Fairfax County Park Authority in consultation with the Providence District Supervisor.

42. Onsite Recreational. Pursuant to the Zoning Ordinance regarding developed recreational facilities, the Applicant must provide the recreational facilities to serve the Property as shown on the CDP/FDP. At the time of site plan review, the Applicant must demonstrate that the value of any proposed on-site recreational amenities is equivalent to a minimum of $2,150 per non-ADU residential unit. In the event it is demonstrated that the proposed onsite facilities do not have sufficient value, prior to the first RUP, the Applicant must contribute funds in the amount needed to achieve the overall required amount of $2,150 per non-ADU residential unit to the Fairfax County Park Authority ("FCPA") for off-site recreational facilities and/or athletic field improvements intended to serve the future residents within the Providence District.

43. School Contribution. A contribution of $14,956 per projected student for the number of units constructed in each phase must be made to the Board of Supervisors for transfer to Fairfax County Public Schools (FCPS) and designated for capital improvements at the public schools serving the development. The contribution must be made prior to the issuance of the first RUP for the units in that phase. Following approval of this Application and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should modify the ratio of students per unit or the amount of contribution per student, the Applicant must pay the modified contribution amount for the development to reflect the then-current ratio and/or contribution. Concurrent with the submission to Fairfax County for the first site plan on the Property, the Applicant must notify Fairfax County Public Schools Office of Facilities Planning Services, in writing, that submission has occurred.

SIGNAGE

44. Signage. Signage for the Property will be provided in accordance with the requirements of Article 7 of the Zoning Ordinance or pursuant to a Special Exception in accordance with Section 7102 of the Zoning Ordinance.

45. Wayfinding Park Signage. Wayfinding and signage will be developed in coordination with FCPA at the time of site plan approval or Special Exception approval and will be installed by the Applicant at the time of the development of the open space to ensure the public can easily identify and access all publicly-accessible parks. Temporary or interim signage will be provided prior to Special Exception approval, as necessary, and as permitted by the Zoning Ordinance, in consultation with FCPA. In addition, safety signage regarding the offsite stormwater pond discussed in the proffer above will be developed in coordination with FCPA at the time of site plan approval.

AFFORDABLE AND WORKFORCE DWELLINGS

46. Affordable Dwelling Units ("ADUs"). ADUs must be provided in accordance with the Zoning Ordinance in effect at the time of the approval of this rezoning application and as calculated on Sheet C-04 of the CDP/FDP which calculates up to 1 single family attached ADU and up to 11 multifamily (triplex) ADUs. The ADUs will be evenly geographically distributed throughout the Property.

47. Workforce Dwelling Units ("WDUs"). In addition to any ADUs that may be required pursuant to these Proffers, the Applicant must also provide housing units on the Subject Property in accordance with the Board of Supervisors' Workforce Dwelling Unit Administrative Policy Guidelines (the "WDU Guidelines"). If ADUs are provided in the development, the ADUs must be deducted from the total number of dwelling units on which the WDU calculation is based. See CDP/FDP for anticipated number of ADU/WDUs to be provided. A single ADU will be provided in the single family attached units. The remaining ADUs/WDUs (if any) will be provided in the triplex units.

48. WDU Agreement. Notwithstanding the foregoing, the Applicant reserves the right to enter into a separate binding written agreement with the appropriate Fairfax County agency as to the terms and conditions of the administration of the WDUs (if any) following approval of this Application (the "WDU Agreement"). The WDU Agreement will be on terms mutually acceptable to both the Applicant and Fairfax County and may only become effective after the approval of this Application. Neither the Board of Supervisors nor Fairfax County will be obligated to execute such an agreement. If the WDU Agreement is executed by all applicable parties, then the WDUs will be administered solely in accordance with the WDU Agreement and the provisions of this proffer, as it applies to WDUs, will become null and void. The WDU Agreement and any modifications thereto will be recorded in the land records of Fairfax County.

OTHER

49. Escalation in Contribution Amounts. All monetary contributions required by these proffers, except the School contribution, must escalate on a yearly basis from the base year of 2024, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3. 3.

50. Advanced Density Credit. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.

51. Zoning Administrator Consideration. 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, transportation, publicly accessible park areas, off site easements, have been delayed (due to, but not limited to, an inability to secure necessary permission for utility relocations, or any necessary easements and/or site plan approval approvals from non-County parties such as VDOT, MWAA, etc.) beyond the timeframes specified, the Zoning Administrator may agree to a later date for completion of these proffered improvement(s).

52. 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 must include within its meaning and must be binding upon Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

53. Counterparts. These Proffers may be executed in one or more counterparts, each of which when so executed and delivered must be deemed an original, and all of which taken together must constitute but one and the same instrument.

SIGNATURES TO FOLLOW ON NEXT PAGE