County of Fairfax, Virginia
Planning Commission Meeting
February 5, 2025
Planning Commission Action

PCA 88-D-005-12 (RZPA-2022-PR-00001)– BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
(Providence District)

PLANNING COMMISSION RECOMMENDATIONS:
On February 5, 2025, the Planning Commission voted 10-0 (Commissioner Wang was not present for the vote) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 88-D-005-12, subject to the execution of the proffers consistent with those dated January 15, 2025;

- Approval of the modification of subsection 5100.2.D(8)(a) of the Zoning Ordinance to permit commercial and industrial buildings 50 feet from the right-of-way of Dulles Airport Access Road as shown on the GDP;

- Approval of the modification of subsection 5108.5.B(1)(b) of the Zoning Ordinance to reduce the amount and width of the transitional screening requirement along Jones Branch Drive; and

- Approval of the waiver of subsection 5108.5.C of the Zoning Ordinance to waive the requirement of a Type D or E barrier along Jones Branch Drive property frontage.

ATTACHED DOCUMENTS:
Proffers dated January 15, 2025

MJ

PROFFERS

County of Fairfax
Tysons Fire Station & Bus Transit Facility
PCA 88-D-005-12
January 15, 2025

Proffered Condition Amendment Application PCA 88-D-005-12 (the "**Application**") has been filed by and on behalf of Fairfax County Board of Supervisors, (the "**Applicant**") on approximately 4.2 acres of land identified as Fairfax County tax map parcel 29-1-((14))-A and known as "Outparcel A" of the West*Park development (the "**Application Property**") and will remain zoned to the C-3 District. The West*Park development is governed by rezoning application RZ 88-D-005, which was approved by the Board of Supervisors (the "Board") on October 15, 1990 subject to proffers dated Oct 3, 1990 and its amendments.

Pursuant to Section 15.2-2303(a) of the Code of Virginia (1950), as amended, and Subsection 8100.2.D. of the Zoning Ordinance of Fairfax County (1978), as amended and effective as of May 10, 2023, (the "**Zoning Ordinance**") the Applicant, its successors and assigns, hereby proffer that redevelopment of Outparcel A, the Application Property, will be in accordance with the following proffered conditions "Proffers" if, and only if, the Application is approved by the Board of Supervisors. If the Application is approved by the Board of Supervisors, the proffered conditions identified below are in addition to the proffers associated with RZ 88-D-005, as amended, and will replace and supersede the existing proffered conditions applicable to Outparcel A as described below. In the event this Application is denied by the Board of Supervisors, these Proffers will immediately be null and void and all proffers accepted previously with the approval of RZ 88-D-005, as amended, will remain in full force and effect with respect to Outparcel A.

1. Generalized Development Plan ("GDP") - The Application Property will be developed in substantial conformance with the Generalized Development Plan ("GDP") dated April 21, 2023, and revised through December 20, 2024, prepared by Urban, Ltd. containing 44 sheets.

2. Minor Modifications and Minor Variations. Minor modifications and minor variations may be permitted pursuant to Section 8100.5.A. of the Zoning Ordinance.

3. Proposed Development. The Applicant will be permitted to develop the Application Property with approximately 22,240 square feet of gross floor area consisting of a bus transit facility containing 2,710 square feet of gross floor area and a fire station consisting of 19,530 square feet of gross floor area and associated parking.

4. Uses. Prior to site plan approval, the Applicant will record a restrictive covenant in a form acceptable to the Office of the County Attorney for Outparcel A. Said covenant will limit the use of Outparcel A to public uses, which may include, but not be limited to, the following public uses: a fire station and bus destination station, kiss and ride lot, or mass transit facility. Further, such covenant must specifically preclude the use of the site as a general or commercial parking lot.

5. Floor Area Ratio (FAR). The maximum permitted FAR for the Application Property is 0.20.

6. Transitional Screening Yard and Barrier. Along the eastern property line and Jones Branch Drive, transitional screening and barriers will be provided as shown on Sheets L.06 and L.06A, with computations on Sheets L.07 and L.07A, of the GDP.

7. Landscaping

A. Tree Inventory and Condition Analysis: The Applicant must submit a Tree Inventory and Condition Analysis as part of the first and all subsequent plan submissions. The Tree Inventory and Condition Analysis must be prepared by a Certified Arborist or Registered Consulting Arborist and must include elements of PFM 12-0307 deemed appropriate to the project site as determined by FCON (Urban Forestry - Forest Conservation Branch).

B. Tree Preservation Plan: The Applicant must submit a Tree Preservation Plan and Narrative as part of the first and all subsequent plan submissions. The Tree Preservation Plan and Narrative must be prepared by a Certified Arborist or Registered Consulting Arborist and must include elements of PFM 12-0309 deemed appropriate to the project site as determined by FCON.

C. 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 a 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.

D. 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 must be implemented. Tree preservation activities must be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

E. Demolition: The demolition of all existing structures and site features within or adjacent to tree preservation areas must be accomplished in the least disruptive manner practical as reviewed and approved by FCON. All tree protection fencing must be in place and verified by a County representative prior to commencement of demolition activities.

F. 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.

G. Invasive Plant Species Management: Forested areas containing plant species that are known to be invasive in quantities that threaten the long term health and survival of the existing vegetation present must be the subject of an invasive plant species management

plan in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission the applicant must provide a management plan for review and approval by FCON specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential reforestation as needed.

H. 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 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.

I. Soil Remediation. Soil in planting areas and under adjacent walkways that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, must be the subject of remedial action to restore planting areas to satisfy 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 must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by FCON.

J. Landscape Planting Plan. As part of the first and all subsequent plan submissions, the Applicant must include a landscape planting plan and specifications for review and approval by FCON. The landscape planting plan and specifications must incorporate sustainable landscape planting techniques designed to reduce maintenance requirements; and contribute to a cleaner and healthier environment with improved air quality, stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation.

   i. Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf must be no more than (75) percent of the pervious area of each lot (site).
   ii. Mulched planting beds incorporating groups of trees and other vegetation must be used to provide a root zone environment favorable to trees and other vegetation.
   iii. Provide a diverse selection of native and non-invasive plants to encourage native pollinators and reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides and chemical control of harmful insects and disease.
   iv. Sustainable landscape planting implemented with the subdivision/site plan should be made up of groups of trees including larger overstory trees (Category III and IV as listed in PFM Table 12.14) together smaller understory trees, (Category II) shrubs and groundcovers. In this application, it is acceptable for the 10-year projected canopies of overstory trees to

overlap the canopies of understory trees as well as shrubs and groundcovers, as may occur in a multi-layer, wooded environment.

K. Native Landscaping. Landscaping must be generally consistent with the quality, quantity and the locations shown on the development plans and must be non-invasive, predominantly native species. All landscaping provided must be 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). The Applicant reserves the right, in consultation with and approval by FCON to modify the exact species to be used, such as when plant materials are not available or have been deemed by FCON to no longer be appropriate.

L. Structural Cells. Site plans submitted for the respective phases of development must include a landscape plan for that phase of development in conformance with CDP/FDP. Tree planting sites are set forth on the CDP/FDP, subject to revision/adjustment as approved by FCON. Where minimum plantings widths of 8 feet cannot be provided, the applicant must use structural cell technology, or other measures acceptable to FCON, to satisfy the following requirements for all planting sites:

i. A minimum of 6 feet open surface width and 48 square feet open surface area for Category III and Category IV trees, with the tree located in the center of the open area
ii. A minimum rooting area of 8-feet wide (may be achieved with techniques to provide un-compacted soil below pavement),
iii. Soil volume for Category III and Category IV trees must be a minimum of 700 cubic feet for a single tree. For two trees planted in a contiguous planting area, a total soil volume of at least 1200 cubic feet must be provided. For three or more trees planted in a contiguous area, the soil volume must equal at least 500 cubic feet per tree. A contiguous area must be any area that provides root access and soil conditions favorable for root growth throughout the entire area;
iv. Soil specifications in planting sites must be provided in the planting notes to be included in all subsequent site plan submissions to be reviewed and approved by FCON;

M. Planting spaces must provide at least 36 inches of soil depth unless a different depth is approved by FCON.

N. The applicant must demonstrate to FCON that the 10-year tree canopy requirements will be met to the extent practicable for the Ultimate Condition at the time of site plan for the Interim Condition. Any additional 10-year tree canopy needed to address the Ultimate Condition must be reviewed and approved by FCON and provided prior to the issuance of the Non-RUP for either the transit facility or fire station whichever occurs last.

9. Streetscape. Prior to the issuance of the first Non-RUP for either the transit facility or fire station, whichever occurs first, Streetscaping will be installed throughout the Property as conceptually illustrated as the Interim Condition on the GDP. The Ultimate Condition Streetscape will be undertaken by other parties and the applicant is not responsible for their implementation. Streetscape elements will include: a landscape amenity panel located immediately behind the face of curb; and a clear pedestrian sidewalk, free of obstructions, adjacent to the landscape amenity panel.

A. International Drive/Spring Hill Road is categorized as a Boulevard streetscape. The applicant will provide a minimum 8' wide landscape amenity panel, a minimum 10' concrete shared use path and a double row of trees subject to VDOT approval. The streetscape improvements will be limited to areas within the property line and trail/sidewalk connections will be coordinated with adjacent properties in the locations as shown on the GDP. The installation of the streetscape will be fully installed prior to the issuance of the first Non-RUP for either the transit facility or fire station whichever occurs first.

B. Jones Branch Drive is categorized as an Avenue/Collector streetscape. The applicant will provide a minimum 8' wide landscape amenity panel, and a minimum 8' wide sidewalk along a portion of the road as shown on the GDP. The streetscape improvements will be limited to the frontage of the property and trail/sidewalk connections will be tied in with adjacent properties as shown on the GDP. The installation of the streetscape will be fully installed prior to the issuance of the first Non-RUP for either the transit facility or fire station whichever occurs first.

C. Public access easements in the form acceptable to the County Attorney for sidewalks will be provided prior to the issuance of the Non-RUP for either the transit facility or fire station whichever occurs first.

D. Utility Locations. Utilities, including, but not limited to dry utilities, water, sanitary sewer and storm sewer utility lines, will be installed within the street network to the maximum extent feasible as determined by LDS or will be placed in locations that do not conflict with the landscaped open space areas and streetscape elements as shown on the GDP and as determined by LDS. 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 outlined in these Proffers, as determined by the FCON. A conceptual utility plan will be overlaid on the landscape plan submitted in the GDP. Adjustments to the type and location of plantings will be permitted to avoid conflicts with utilities and other site engineering considerations. Existing utilities will be relocated to the maximum extent feasible to provide adequate planting space. If at the time of site plan approval, street trees shown on the GDP are in conflict with existing utilities that cannot be relocated, and alternative locations for the street trees satisfactory to FCON cannot be accommodated, the Applicant may delete such trees without the need for the issuance of a minor modification approval by DPD and without a PCA and/or GDPA provided the minimum 10% tree canopy can still be met.

E. SWM Facility Maintenance Access Points. Maintenance access points to SWM Facilities and electric vaults beneath the streetscape must be located outside clear pedestrian walkway zone of the streetscape to the extent feasible. These maintenance access points will be shown on each site plan. If the access points must be located in the walkway zone, they will be designed as a lift out panel with the same paving materials as the walkway (subject to ADA requirements), be flush with the walkway, and meet ADA accessibility requirements. These maintenance points will be shown on the site plan.

F. Sight Distance Considerations. Sight distance requirements will be provided on the landscape plan, so as to identify and avoid conflicts with street tree locations. If at the time of site plan approval, street tree locations on the GDP are determined to conflict with sight distance requirements, the Applicant will make efforts to gain approval of said trees by FCON by making minor adjustments to their locations or by removing their

lower branches. In the event VDOT or FCDOT do not approve the tree locations even after the changes anticipated above, the Applicant will be permitted to relocate the affected street tree, subject to approval by the FCON. If a tree that is deleted due to VDOT requirements would result in a tree canopy below 10% on the Property, the tree(s) will be accommodated in another location on the Property, as approved by DPD in consultation with FCON.

G. Streetscape Furnishings and Materials and Lighting. Unified and high-quality streetscape materials will be provided and may include, but not be limited to, unit pavers, seat walls, tree space edging, lighting, traffic signal poles, benches, trash and recycling receptacles and other hardscape elements. A Streetscape Furnishing and Materials Plan will be provided as part of the site plan. This plan will include general product information and approximate locations of furnishings and materials to be located in the streetscape between the building face and the curb, and in other public realm open spaces. Materials, furnishings, and lighting will be compatible with those already identified in the Tysons Urban Design Guidelines for the Tysons North Central area, dated February 24, 2017, as may be amended and or modified and will be coordinated with any streetscape design efforts put forth by the Tysons Community Alliance, but will not be subject to approval by the Tysons Community Alliance.

H. Energy Efficient Streetscape Lighting. All streetscape lighting will be energy efficient. All on-site and outdoor lighting are subject to the Outdoor Lighting Standards in Section 5109 of the Zoning Ordinance.

10. Retaining Walls. Due to the natural topography of the Property and adjacent parcels, development of the Property will necessitate the construction of retaining walls around the surface parking lot. The anticipated height of the walls are depicted on the GDP but may be refined and, if feasible, reduced at the time of site plan. The retaining walls will be masonry material with cast masonry unit finishes in coordination with building architecture. The Applicant will be responsible for maintaining the retaining walls on the Property.

11. Noise Attenuation. A refined acoustical analysis, to include a Building Shell and Barrier analysis, will be submitted concurrent with the first site plan submission to LDS for distribution to the Development Review Branch (DRB) of the Department of Planning and Development (DPD) for review and approval. Mitigation measures appropriate to reduce indoor noise for firefighter residential dorms to no more than DNL 45 dBA and any outdoor recreation areas to DNL 65 dBA, consistent with the sound attenuation recommendations in the study must be incorporated into the development. All firefighter residential dorms will be outside of the DNL 75 dBA. The noise contours of DNL 65 dBA and greater affecting firefighter residential dorms must be shown on the site plan and will be identified on the building plans.

12. Bird-friendly Design. In an effort to reduce bird injury and death due to inflight collisions with buildings, the Applicant will design each Building to (i) avoid use of mirrored or highly-reflective glass, (ii) use fritting, frosting, or other patterns on large, uninterrupted expanses of exposed glass located above the ground floor, and (iii) use downward-directed lighting on building exteriors. Specific bird-friendly designs will be noted on building plans for each Building for which such measures are proposed, as applicable. Additional bird-friendly design elements may be included such as the use of color, texture, opacity, louvers, screens, or ultraviolet materials on the exterior of windows that are visible to birds, curbing excessive or unnecessary night-time illumination of commercial buildings, recessed balconies and roof setbacks, and breaking up of glass swaths. Upon the issuance of a building permit for each Building, the provisions of this Proffer will be deemed satisfied as to such Building.

13. Architecture. The architectural treatment of all buildings within the Proposed Development will create a sense of identity and place, with a human scale, through the use of unifying elements such as materials, textures, color, window treatments, decorative details, lighting, and landscaping. Buildings will be designed with high quality architecture and building materials such as high-quality glazing systems, metal panel cladding systems, fiberglass reinforced concrete panels or fiber cement boards and panels with a variety of colors and finishes, masonry, porcelain tiles, and precast concrete panel systems, as generally depicted on the GDP.

    A. The quality and character of the architectural design and building materials will be in substantial conformance with the images depicted on Sheets A.1 through, A.4 of the GDP.

    B. Architectural plans, elevations, illustrations, materials and heights may be revised subsequent to GDP approval as a result of final architectural and engineering design, provided the quality of design remains in substantial conformance with that shown on the GDP and as set forth in these Proffers, as determined by the Zoning Administrator.

14. Telecommunications Equipment. Telecommunications equipment may be placed on the proposed buildings' rooftops or facades. Any such facilities must comply with the applicable requirements of the Zoning 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. 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. Telecommunications equipment may also be architecturally integrated into the facades of the building where necessary to ensure on-street and/or open space coverage.

15. Transportation Coordination. The Applicant commits to improvements outlined in the General Development Plan (GDP) to enhance traffic flow, pedestrian and cyclist safety, and sustainable transportation. The following commitments detail the specific measures to achieve these objectives:

    A. In the Interim Condition, the Applicant will remove portions of the on-ramp and off-ramp for buses located within the north side of the Application Property as needed to install the new bus loop, curb and gutter, and grading as shown on the GDP.

    B. The Applicant commits to installing marked crosswalks at the locations identified on sheet C.4 of the GDP. The installation of these crosswalks will be fully installed prior to the issuance of the Non-RUP for the transit facility or fire station, whichever occurs first.

    C. The Applicant commits to providing and maintaining bicycle racks and bike lockers as shown on the GDP in accordance with the Fairfax County Bicycle Parking Guidelines. These facilities will be installed prior to the issuance of the first Non-RUP.

    D. The applicant commits to providing space for future bikeshare installation by others in the approximate location shown on the GDP.

    E. Subject to VDOT approval, the Applicant commits to modifying the existing signal at the intersection of Jones Branch Drive and the Site Entrance to implement pedestrian improvements as shown on the GDP prior to issuance of the first Non-RUP for either the transit facility or fire station whichever occurs first.

16. Transportation Ramp Coordination. It is understood that Fairfax County Department of Transportation (FCDOT) is planning the addition of an eastbound ramp connection to the Dulles Toll Road at the north-eastern corner of the Applicant Property shown as the Ultimate Condition

on the GDP. The Ultimate Condition will be undertaken by other parties and the applicant is not responsible for their implementation. The Applicant will make a good faith effort to coordinate the following with FCDOT:

A. The Applicant will provide FCDOT with a copy of the 50% and 100% Construction Documents detailing the proposed roadway along the eastern boundary of the Applicant Property. The roadway plans will be designed with the understanding that a ramp connection to the Dulles Toll Road will be connected to the roadway in the future. Minor modifications may be made to the design in coordination with DPD, FCDOT and VDOT without the need for a PCA or GDPA. The ramp connection is outside the scope of work of this application and will be the responsibility of others to design and construct.
B. At such a time when the ramp is to be constructed, the Applicant will coordinate access to the site so the pieces can be aligned.
C. The Applicant will provide Right of Way reservation for future dedication along the eastern property line for the future ramp to the Dulles Toll Road and the ingress lane that connects to the future ramp as shown on the GDP. This reservation will be provided at time of Interim Condition site plan approval. Dedication will be provided upon demand by the County or its designee. The applicant commits to install the transitional screening as shown on Sheet L.06 of the GDP for the Interim Condition. The applicant will coordinate with the owner of the future ROW area for tree preservation and replacement within this area at the Ultimate Condition.

17. Transportation Right Turn Lane Coordination. It is understood that Fairfax County Department of Transportation (FCDOT) is planning the redevelopment of the right turn lane outside and adjacent to the International Drive/Spring Hill Road property line boundary and the Jones Branch Drive property line boundary shown as Ultimate Condition on the GDP. The Ultimate Condition will be undertaken by other parties and the Applicant is not responsible for their implementation. The improvements by FCDOT are contingent upon the construction and operation of the new ramp connection to Dulles Toll Road and are expected to include additions to the amenity panel, trees, landscaping and trails/sidewalks. The Applicant will make a good faith effort to coordinate the following with FCDOT:

A. The Applicant will provide FCDOT with a copy of the 50% and 100% Construction Documents detailing the proposed streetscape along the southern and western boundaries of the Applicant Property. The streetscape plans will be designed with the understanding that additional streetscape area will be added in the Ultimate Condition from the removal of the northernmost right turn lane along Jones Branch Drive, and the modifications of the northbound approach at Spring Hill Road to eastbound Dulles Toll Road turn lanes. Coordination with FCDOT will continue through site plan approval for the Interim Condition to minimize the extents of streetscape reconstruction; minor modifications may be made to the design in coordination with DPD, FCDOT and VDOT without the need for a PCA or GDPA. The site plans for the Ultimate Condition are outside the scope of work of this application and will be the responsibility of others.
B. At such a time when the Ultimate Condition is to be constructed, the applicant will coordinate access to the site so the pieces can be aligned.
C. The Applicant will provide Right of Way reservation for future dedication for the Ultimate Condition streetscape along Jones Branch Drive and Spring Hill Road as shown on the GDP. This reservation will be provided at time of Interim Condition site plan approval. Dedication will be provided upon demand by the County or its designee. The ROW must be inclusive of the landscape amenity panel and sidewalk.

18. Stormwater Management. Stormwater Management ("SWM") measures for the Application Property will be designed to protect receiving waters downstream of Tysons by reducing runoff from impervious surfaces using a progressive approach. This progressive approach will, to the maximum extent practicable, subject to the determination of LDS, retain on-site and/or reuse the first inch of rainfall. Proposed SWM and Best Management Practices ("BMP") facilities will follow a tiered approach as identified by the County which may include infiltration facilities (where applicable), rainwater harvesting/detention vaults, runoff reducing and other innovative BMPs.

    A. Plans submitted subsequent to this Application will identify the use of certain Low Impact Development ("LID") techniques that will aid in runoff volume reduction and promote reuse throughout the site. As a part of the LID techniques proposed, the Applicant may provide green roofs both intensive and/or extensive, bio-retention (traditional and urban) areas, soil amendments, dry swales, pervious hardscapes/streetscapes, and/or infiltration as determined by the Applicant.

    B. The SWM facilities will be designed to accommodate not just the pre-developed (existing) peak release rates, but also strive to meet the requirements of the stormwater management-related credits of the registered version of LEED for the Proposed Development, or its equivalent.

    C. Extended detention facilities and extended-release techniques may be used to augment the proposed volume reductions. It is further understood that interim or temporary SWM and BMP measures may be required during any interim use of the Subject Property that involves a change in the existing building and/or the existing surface parking lot (i.e., the Existing Development) that impacts stormwater.

    D. With site plan submission, the Applicant will provide refined calculations to Land Development Services (LDS) staff based on the infiltration strategies proposed in the GDP with a goal of meeting a minimum 0.87 inches of retention subject to review and approval by LDS. In addition to the facilities shown on the GDP, the Applicant will explore with LDS and DPWES additional rainwater retention measures and additional LID/BMP/green infrastructure on-site, coordinate for available programs, and may utilize those techniques, if feasible, while remaining in substantial conformance with the GDP. The specific SWM facilities will be determined at the time of site plan, and as may be approved by LDS. While it is anticipated that compliance with the goal of retaining and/or reusing the first inch of rainfall or as close to the first inch as shown on the GDP and meeting the requirements of the aforementioned LEED credits, or equivalent, will be confirmed at site plan by utilizing the proposed retention credits identified by the County as part of its stormwater spreadsheet, the Applicant reserves the right to utilize any combination of LID measures (existing and future) to meet this goal, subject to the review and approval of LDS. Similarly, if all other County suggested stormwater alternatives have been attempted, the Applicant reserves the right to over detain the runoff from a one-inch rainfall to a release rate that mimics that of a "good" forested condition.

    E. Where the Applicant may use a rainwater harvesting system ("RWHS") for stormwater credit, variations in reuse water demand may create fluctuations in draw down of the RWHS tank(s). If storage time will exceed 10 days, due to seasonal variation in demand, the Applicant will have the right to discharge excess volumes off site during non-rainfall periods in a manner and at release rates as allowed by the PFM or as approved by the Director of LDS. To the extent practicable, such discharges will mimic release rates from a good, forested condition for a significant majority of rainfall events, and/or excess volume will be directed to other facilities using a "treatment train" approach, if possible, as approved by the Director of LDS. If for any reason the designed dedicated

end use(s) becomes unavailable because of some change, the Applicant will provide an approved alternative end use or install a properly designed BMP treatment system to achieve runoff reduction and treatment of the runoff.

19. Refuse Operations. Refuse pickup from the Application Property will be performed outside of peak hours. Peak hours are defined as the periods between 7am to 9am and 5pm to 7pm.

20. Fuel Pump. Notwithstanding what is shown on the GDP, at the time of site plan, subject to review and approval of SDID, the applicant must either remove, relocate, or provide sufficient protection for the proposed bus fuel pump station to avoid contamination of the infiltration vault and the bioretention from fuel leaks and spills.

21. Advance Density Credit. The Applicant reserves density credit as may be permitted by the provisions of Section 5100.2.E of the Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.

22. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in this proffer statement will include within its meaning and will be binding upon Applicant's successor(s) in interest and/or developer(s) of the Property or any portion of the Property.

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

24. Annual Escalation Clause. For all proffers in this document specifying monetary contributions, the contribution and/or budget amount will escalate or de-escalate, as applicable, on a yearly basis from the base year of 2025 and change effective each January 1 thereafter, as permitted by Section 15.2-2303.3 of the Code of Virginia, as amended.

25. Zoning Administrator Extensions. Notwithstanding the foregoing commitments in these Proffers, upon demonstration by the Applicant that, despite diligent efforts by the Applicant or due to factors beyond the Applicant's control, any improvements and/or contributions required under these Proffers have been delayed or will be delayed beyond the time frames specified for the completion of such improvements and/or contributions, the Zoning Administrator may extend the timeframes for completion to a later date as determined by the Zoning Administrator.

Title Owner of Tax Map 029-1-((14))-A
The Board of Supervisors of Fairfax County, Virginia

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By: Bryan J. Hill
Title: County Executive