

**PROPOSED DEVELOPMENT CONDITIONS****SE 2016-MV-010****September 20, 2016**

If it is the intent of the Board of Supervisors to approve SE 2016-MV-010, located at 1212 Olde Towne Road, Tax Map 83-4 ((2)) (40) 0501, for uses in a floodplain pursuant to Sect. 2-904 and 9-606 of the Fairfax County Zoning Ordinance, staff recommends that the Board conditions the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat titled "Plat Showing the Improvements on Lot 501, Block 40, Resubdivision of Lots 22-30, Inclusive, New Alexandria" prepared by Dominion Surveyors, Inc., dated September 2, 2015, as revised through June 28, 2016, and consists of 8 sheets that includes an Architectural Plan prepared by C.L. Forbrich Residential Design, Inc., dated July 7, 2016, a Tree Conservation Plan prepared by Tree Preservation Consultants, LLC, dated August 15, 2016, and a Topographic Survey prepared by NoVA Surveys, Inc., dated July 5, 2016, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recoded conditions shall be provided to the Zoning Permit Review Branch Department of Planning and Zoning.
5. Disclosure of potential flood hazards due to the location of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to execution of a sales contract.
6. Prior to the approval of a building permit for the addition, a Hold Harmless agreement shall be executed with Fairfax County in the event of adverse effects resulting from the location of the site within a floodplain area.
7. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.

8. The crawl space shall not be converted to a finished basement or any living space and shall not be used for any storage.
9. The proposed limits of the work area as shown on the Special Exception Plat shall be strictly adhered to. The limits of clearing and grading shall be clearly marked and fenced to protect the off-site trees outside those limits. No work activities, stock piles, construction materials or other construction related materials shall be allowed outside the limits of work area. Any encroachment into, and/or disturbance of, the Resource Protection Area (RPA) not shown on the approved Plat will be considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of the CBPO Article 9.
10. Erosion and sediment control measures shall be installed at all stages of construction, as determined by Department of Public Works and Environmental Services (DPWES). If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.
11. The applicant shall demonstrate to DPWES that all necessary county, state, and federal approvals have been obtained prior to any additional land disturbance activity.
12. Prior to approval of the framing inspection, as-built floor elevations shall be submitted on a FEMA Certificate to be filed with the Residential Inspections Division, Department of Public Works and Environmental Services, in accordance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued. In addition, at the time of the framing inspection, the applicant shall demonstrate to DPWES that the elevation of the lowest part of the lowest floor of the addition proposed on the property shall be at least 18 inches above the base flood elevation, in accordance with Par. 2 of Sect. 2-905 of the Zoning Ordinance, and the inspection record shall include a signed or initialed statement of concurrence by the inspector.
13. Prior to approval of the final building inspection for the addition, all fencing shall be modified to provide a 4 to 6-inch space between the ground and the bottom of the fence so as to not impede the surface flow of water.
14. All mechanical, electrical, and utility equipment shall be located at or above the flood level.
15. Prior to approval of the final building inspection for the new dwelling, the Applicant shall install appropriate waterproofing techniques to the access panel and flood flaps to the existing crawl space in to protect the new dwelling from flood damage. Such techniques may include, but shall not be limited, to weather stripping and window well covers.

16. An access panel and flood flaps shall be provided as shown in Sheet 3 of the Architectural Plan prepared by C.L. Forbrich Residential Design Inc., titled "Proposed BFE Information" prepared by C.L. Forbrich Residential Design, Inc., dated July 7, 2016, in accordance with the Public Facilities Manual.
17. The proposed foundations, deck, footers, proposed steps, and porch are considered "hand excavation and construction areas" as noted in Sheet 1 of the Tree Conservation Plan prepared by Tree Preservation Consultants, LLC, shall be dug by hand within critical rootzone of trees #2, #5, and #9. No heavy equipment shall access or operate within critical root zones of existing trees to be preserved, and should existing tree roots be discovered in these areas, root pruning shall be performed. In addition, no storage or staging of construction materials within tree critical root zones and root protection shall be installed where foot traffic may cause compaction.
18. The above ground portion of the house, existing walkway, and stone patio within critical rootzone of trees #2, #5, and #9 are considered "demolition areas" as noted in Sheet 1 of the Tree Conservation Plan prepared by Tree Preservation Consultants, LLC, shall be accomplished by hand work only. Any existing masonry or house walls shall be collapsed into the house footprint and the location of debris dumpster or container shall be limited to existing gravel driveway. A root protection pad shall also be installed where foot traffic may cause compaction and no heavy equipment shall access or operate within critical rootzones of existing trees to be preserved.
19. The proposed temporary root protection areas used for foot traffic and construction access within critical rootzones of tree #2, #5, #9 as noted as noted in Sheet 1 of the Tree Conservation Plan prepared by Tree Preservation Consultants, LLC, shall employ root protection pad barrier prior to construction and root protection shall consist of a 6" layer of wood chip mulch covered by 3/4" plywood or commercial geotextile root protection matting.
20. The proposed flagstone walkway shall be installed on grade as noted in Sheet 1 of the Tree Conservation Plan prepared by Tree Preservation Consultants, LLC and shall consist of excavating only to clear existing grass and provide level sub-surface is to a maximum depth of 1"-2". All construction and levelling shall be done by hand without use of heavy equipment. No compacting equipment or hand tamping of existing sub-soil prior to installing walkway base.
21. The applicant shall employ a Project Arborist to perform monitoring visits to verify proper implementation of approved Tree Conservation Plan prepared by Tree Preservation Consultants, LLC, dated August 15, 2016 titled "Tree Inventory Table, Tree Preservation Notes" which includes the following:
  - a.) Short term monitoring: The applicant's Project Arborist shall conduct daily inspections to monitor critical tree preservation activities that include root pruning, tree removal along LCG, tree pruning, tree mulching, tree

protection fencing installation, root protection pad or matting installation as prescribed by the Tree Conservation Plan.

- b.) Long term monitoring: The applicant's Project Arborist shall conduct monthly inspections for twelve (12) months or signoff from Urban Forest Management Division (UFMD) to monitor Phase 2 clearing and grading activities.
  - c.) Monitoring Reports: Upon completion of all site visits, the Project Arborist shall submit written reports to the Urban Forest Management Division.
22. Any maintenance of landscaping shall be in accordance with the Chesapeake Bay Preservation Ordinance (Chapter 118 of the Fairfax County Code).
23. The new single-family detached dwelling shall be constructed to achieve Certification in accordance with the National Green Building Standard (NGCS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to the Environment and Development review Branch of the DPZ and from a home energy rater certified through the Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for the dwelling.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board of Supervisors.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.