

Summary of Commitments**Fairfax Presbyterian Church – Glebe View****Zoning Map Amendment Z-21-00099/Z-21-00100****September 28, 2022****A. General.**

1. Master Development Plan. The property, identified on the City of Fairfax (the “City”) Tax Map as Parcel ID 57-1 ((2)) 122A and Parcel ID 57-1((2)) 123 (the “Property”), shall be developed in substantial conformance with the “Master Development Plan Fairfax Presbyterian Church” (the “Master Development Plan” or “MDP”) dated January 20, 2021, as revised through September 28, 2022, and prepared by Charles P. Johnson & Associates, Inc. Minor modifications to the Master Development Plan may be permitted, provided such changes otherwise are in substantial conformance with the Master Development Plan and pursuant to the review and approval by the Zoning Administrator and in accordance with Section 6.6.6.A.2 of the City’s Zoning Ordinance (“Zoning Ordinance”).

2. Permitted Uses. The Property is currently used as a Religious Institution with an accessory Day Care Center. Such uses shall remain and operate in their current capacity. With this application, the Property may be developed with up to ten (10) townhouses (the “Proposed Development”) in accordance with the Planned Development Mixed Use Zoning District (the “PD-M”) standards, specifically, Section 3.8.4 of the Zoning Ordinance, as more particularly shown on the Master Development Plan.

3. Schools. To mitigate the impact of the Proposed Development on the City of Fairfax school system, the Applicant agrees to use good faith efforts to give priority to eligible current City residents in the Habitat for Humanity of Washington, D.C. & Northern Virginia, Inc. (“Habitat”) homeownership application process and the Homestretch program participation for the proposed townhouses. The Applicant is further willing to refine this commitment for Providence Elementary, Katherine Johnson Middle, and Fairfax High.

4. Phasing. The Applicant anticipates that the Property shall be developed in two phases as follows:

A. Phase One – Construction of ten (10) townhouses and associated infrastructure, utilities, stormwater management facilities, open space, and recreation facilities.

B. Phase Two – Construction of the parking facilities (up to thirty (30) parking spaces) located in the southwest corner of the Property, including handicap accessible spaces, a six-foot wooden fence and additional screening as shown on the Master Development Plan. The Applicant shall determine the timing of this phase based on the need for such spaces, if at all.

5. Homeowner Selection. National Capital Presbytery, Inc., as fee title owner of the Property, shall enter into a Deed of Ground Lease with the Applicant, or an affiliate thereof, as Tenant, for a term of at least seventy-five (75) years, with an option to extend the term for an additional fifty (50) years. Concurrently with the execution of the Deed of Ground Lease, the Applicant shall enter into a Deed of Sublease between the Applicant, as Sublandlord, and Habitat, or an affiliate thereof, as Subtenant, which subleases a portion of the Property containing approximately 1.635 acres to Subtenant for a term that is one day less than the ground lease term. The permitted use for the premises under both the Deed of Ground Lease and the Deed of Sublease shall be for the development by the Applicant (Tenant) and Habitat (Subtenant) of ten (10) townhomes in a unified project, including (2) townhomes owned and sub-leased by Homestretch, Inc.

B. Transportation.

6. Right-of-Way Dedication. Prior to site plan approval for the Proposed Development, if it is determined that the City currently does not own such right-of-way, the Applicant shall dedicate right-of-way on Presbyterian Way (approximately 8,928 square feet), as shown and identified on the Master Development Plan. Such dedication shall be made at no cost to the City.

7. Love's Outlet. The Applicant does not believe that it is the current title owner of the strip of land adjacent to the Property known as "Love's Outlet." The Applicant is willing, however, upon request by the City, to prepare a deed and quitclaim to the City all of its right, title, and interest in Love's Outlet. The Applicant shall also cooperate with the City if the City chooses to quiet title, abandon or vacate Love's Outlet.

8. Public Access. Prior to site plan approval for the Proposed Development, the Applicant shall cause to be recorded among the Fairfax County land records a public access easement running to the benefit of the City, in a form acceptable to the City Attorney, over the private streets, trails, sidewalks, and open space areas generally shown on the Master Development Plan. Either the landowner, or a common interest community association or similar entity established for the development, shall be responsible for the maintenance of the private streets, sidewalks, and associated streetscape elements.

9. Townhouse Parking. Each townhouse unit shall have a one-car garage and a driveway serving as a second parking space. Prospective purchasers and occupants shall be advised in writing prior to entering into, or as a part of, a contract of sales or lease agreement that any conversion of the garage or use of the garage that precludes the parking of a vehicle within the garage shall be prohibited. This restriction shall also be disclosed in any deed or lease to each residential unit.

10. Bicycle Racks. The Applicant shall install an inverted-U or similar style bicycle racks within the townhouse development, as generally depicted on the MDP.

11. Fairfax Nursing Center Shared Parking. The Applicant shall continue to have the ability to share any of the Property's parking spaces that are in excess of the minimum number of

spaces then required for the Property with the Fairfax Nursing Center located at 10723 Main Street, as originally approved by the City Council on May 14, 1996 in Application No. SE-173-96-1. Such available excess parking shall be for the parking of vehicles by the employees of the nursing center.

C. **Environmental and Landscaping.**

12. **Sustainable Design.** The proposed townhouses shall be constructed to achieve qualification in accordance with the National Green Building Standard using the ENERGY STAR® for Qualified Homes, the EarthCraft House program, or another approved energy performance path. Such qualification shall be demonstrated by the submission of documentation to the Department of Community Development and Planning from a certified home energy rater.

13. **Solar Panels.** The Applicant shall procure and install low profile solar panels on the roofs of the townhomes.

14. **Accessibility of Residential Units.** All residential units shall comply with all applicable municipal, state, and federal accessibility and anti-discrimination requirements in place at the time of building permit submission. The townhouse dwelling units shall be designed and constructed with a selection of universal design features and options as determined by the Applicant. Said features may include, but are not limited to, emphasis on lighting in stairs and entrances, open floor plans with flexible spaces and reduced hallways, prioritizing straight stair design without turns, slip resistant flooring, hand-held showerheads at tubs and showers, lever door handles, and rocker light switches.

15. **Landscaping and Screening.** Landscaping on the Property shall be in general conformance with the landscaping shown on the MDP, and consistent with the Certificate of Appropriateness. Selection of materials shall be made through the application for a Certificate of Appropriateness.

D. **Construction.**

16. **Construction Management Plan.** Prior to site plan approval for the Proposed Development, the Applicant shall submit a construction management plan for approval by the City Manager or designee to address the following information:

- A. Hours of construction;
- B. Location of parking areas for construction employees and associated pedestrian/vehicle access points;
- C. Truck staging and cleaning areas;
- D. Storage areas;
- E. Fencing details;
- F. Trailer and sanitary facility locations;

G. Roadway cleanup along the Property's Presbyterian Way frontage and Main Street, as may be needed;

H. Traffic control measures, including any necessary measures ensuring pedestrian safety; and

I. Maintenance of entrances.

17. Community Liaison. Prior to commencement of construction, the Applicant shall identify a person who shall serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to property owners of record whose property lies immediately adjacent to the Property, nearby homeowners', or neighborhood/civic associations, and to the Department of Community Development and Planning.

E. **Ownership and Management of Recreation and Open Space.**

18. Ownership of Recreation and Open Space. The ownership of the recreation and open space areas depicted on the MDP shall be owned either by the landowner or by a common interest community association or similar entity. Under either scenario, the landowner shall be responsible for maintaining the recreation and open space, including any facilities within those areas.

19. Management of Recreation and Open Space. The Applicant shall prepare a plan for management of the recreation, open space, and other common facilities in accordance with the requirements of Section 3.8.7.E.2 of the Zoning Ordinance.

20. Legal Instrument for Permanent Protection. In accordance with Section 3.8.7.F. of the Zoning Ordinance, the Applicant shall prepare a binding legal instrument to be recorded among the land records of Fairfax County that provides for the permanent protection of the recreation and open space areas. Prior to entering into a contract of sale or lease of each townhome, prospective residents shall be notified in writing by the Applicant of the management and maintenance responsibilities for the recreation and open space areas and shall acknowledge receipt of this information in writing.