

Summary of Commitments
Highlands at Mantua
Zoning Map Amendment Z-24-00236
January 6, 2025

A. General.

1. Master Development Plan. The property, identified on the City of Fairfax (the “City”) Tax Map as Parcel ID 58-2-10-001-A1 and located at 9495 Silver King Court (the “Property”), shall be developed in substantial conformance with the “General Development Plan Amendment Master Development Plan Zoning Map Amendment Highlands at Mantua” (the “Master Development Plan” or “MDP”) dated January 6, 2025, and prepared by IMEG. 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 6.6.9.A.2 of the City’s Zoning Ordinance (“Zoning Ordinance”).

2. Permitted Uses. The Property may be developed with up to fourteen (14) townhouses (the “Proposed Development”) in accordance with the Planned Development Residential Zoning District (the “PD-R”) standards, specifically, Section 3.8.3 of the Zoning Ordinance, as more particularly shown on the Master Development Plan.

B. Transportation.

1. 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.

2. Townhouse Parking. Each townhouse unit shall have a two-car garage and a driveway serving as additional parking spaces. Prospective purchasers and occupants shall be advised in writing prior to entering into, or as a part of, a contract of sale that any conversion of the garage or use of the garage that precludes the parking of a vehicle within the garage shall be prohibited.

3. Bicycle Rack. The Applicant shall install an inverted-U or similar style bicycle rack within the townhouse development, as generally depicted on the MDP. Notwithstanding, final locations of the bicycle rack may be adjusted at the time of site plan.

4. Shared Parking. The Applicant shall have the right to continue to share parking spaces with the Enclave condominium and The New School, provided the number of spaces shall be no more than the number of parking spaces shown for that purpose on the MDP (Sheet C300).

C. **Environmental and Landscaping.**

1. Sustainable Design. The proposed development shall incorporate energy efficient devices intended to promote energy conservation and green building techniques, such as use of ENERGY STAR® appliances, energy efficient mechanical systems, recycling for occupant refuse, energy efficient lighting and insulation that meets or exceeds applicable energy code requirements. At the time of site plan submission, the Applicant shall submit to the Sustainability Coordinator a checklist of energy saving components described above and as generally available in the marketplace included in the proposed development to demonstrate compliance with this condition.

2. 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, seat in master bath shower, lever door handles, front loading washers and dryer and rocker light switches. The units will also be marketed with an option to include an elevator.

3. 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.

4. Stormwater Management. Design and construction of stormwater management facilities shall comply with 4VAC50-60 Virginia Stormwater Management Program (“VSMP”) Permit Regulations, as may be amended, or other relevant standard in place at the time of building permit submission.

D. **Construction.**

1. 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. The Construction Management Plan shall address items including, but not limited to, the following:

- 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 frontage and Silver King Court, as may be needed;
- h. Traffic control measures, including any necessary measures ensuring pedestrian safety; and
- i. Maintenance of entrances.

2. 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; Recreational Amenities Contribution.

1. 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 Applicant or by a common interest community association or similar entity. Under either scenario, the landowner of these areas shall be responsible for maintaining the recreation and open space, including any facilities within the areas.

2. 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.

3. 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 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.

4. Recreation. The Applicant shall provide on-site recreational facilities as shown on the MDP to serve the residences of the Proposed Development.

5. Recreational Amenities Contribution. Following commencement of construction, but prior to the issuance of the first Residential Zoning Permit, the Applicant shall contribute an amount equivalent to \$376.00 per residential unit to the City of Fairfax for use in the planning, design and/or construction of off-site recreational amenities.

F. **Miscellaneous.**

1. **Successors and Assigns.** These commitments shall bind and inure to the benefit of the Applicant and its successors and assigns.