PROFFERS

RZ 2004-BR-017

GANJI MASSOUMEH

September 30, 2004

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer that development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 77-2 ((1)) 7 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the R-3 District is granted. In the event said application request is denied, these proffers shall be null and void.

1. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in substantial conformance with the plan entitled, "Generalized Development Plan" for the property located at 5501 Sideburn Road (GDP) consisting of 3 sheets prepared by Alexandria Surveys International, LLC, dated December 3, 2003, as revised through August 27, 2004.

2. **Density.** The rezoning to the R-3 District for the subdivision of this property shall not exceed two (2) lots, or the resultant density of 2.0 du/ac, with retention of density credit from the dedication pursuant to Section 2-308 of the Zoning Ordinance.

3. **Right of Way Dedication.** At the time of subdivision plan approval, or upon demand, whichever occurs first, the Applicant shall dedicate at no cost to the County in fee simple to the Board of Supervisors of Fairfax County, the right-of-way along the site frontage to Sideburn Road measuring approximately 4,564 square feet, as generally shown on the GDP.

4. **Curb and Gutter Improvement.** The Applicant shall improve the property frontage along Sideburn Road to provide curb and gutter that corresponds to the existing curb and gutter sections to the north and south of the subject property as determined by DPWES.

5. **Sidewalk Improvement.** The Applicant shall construct a 5 foot wide concrete sidewalk within the right-of-way dedicated per proffer 3 above, as generally shown on the GDP.

6. **Water Quality Management Area.** Stormwater management (SWM) and best management practices (BMPs) shall be provided in accordance with the

DPWES. If it is determined necessary to install utilities and/or other public improvements within the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the Urban Forest Management Branch. If deemed necessary by the Urban Forest Management Branch, a replanting plan shall be developed and implemented, for any areas within the limits of clearing and grading that must be disturbed.

9. **Tree Preservation Fencing.** All trees shown to be preserved on the GDP (20" Red Maple and the area east of the limits of clearing and grading) shall be protected by tree protection fence during construction. Tree protection fencing four feet high, with 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, shall be erected at the limits of clearing and grading and around the existing trees to be preserved (20" Red Maple located on the proposed property boundary line for Lots 7-A and 7-B). Proposed tree protection shall be shown on all individual lot grading plans submitted to DPWES for review and approval. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forest Management Branch shall be notified and given the opportunity to inspect the site to assure that all temporary tree protection devices have been correctly installed.

10. **Root Pruning.** The Applicant shall root prune around the 20" Red Maple located along the proposed property boundary between Lots 7-A and 7-B. Root pruning shall be performed by a qualified professional such as a certified arborist, and shall be done with a trencher or vibratory plow to a depth of 18 inches to the satisfaction of the Urban Forest Management Branch. It shall take place prior to any clearing and grading or demolition of structures. Tree protection fence, as per Proffer 9, shall be installed immediately after root pruning and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside of the trench within the disturbed area. An Urban Forestry Management Branch representative shall be informed when root pruning and tree protection fence installation is complete.

11. **Tree Replacement.** Prior to subdivision plan approval, a replacement value determined according to the methods contained in the latest edition of the Guide for Plant Appraisal, shall be assigned by the Urban Forest Management Branch to the 20" Red Maple located along the proposed property boundary between Lots 7-A and 7-B as shown on the GDP for preservation. At the time of subdivision plan approval, the Applicant shall post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated tree (20" Red Maple). If the tree is found to be dead or dying at the time of final bond release by an Urban Forest Management Branch representative due to the Applicant's negligent construction activities, the cash bond or letter of credit shall be used to plant similar species, or species appropriate to the site, in consultation with the Urban Forest Management Branch.

APPLICANT/OWNERS:

ECONOMY BUILDING & SUPPLIES, INC.

BY: _____
GANGI MASSOUMEH, PRESIDENT