

PROFFERED CONDITIONS
NEWGATE PARKING ADDITION

PCA/FDPA C-131-6
July 21, 2004

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the applicant (the "Applicant") in this Proffer Condition Amendment/Final Development Plan Amendment proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 054-1-09 (T) and 054-3-10 (A), (A1), (C), (D), (F), (G), (H), (K), (L), (M), (P) and (R) (hereinafter referred to as the "Property") will be in accordance with the following proffered conditions (the "Proffered Conditions") if, and only of the Proffer Condition Amendment and Final Development Plan Amendment are granted. The Applicant, for itself, its successors and assigns, reaffirms the previous proffers dated December 3, 1982 applicable to the Property. In addition, the Applicant agrees that the following Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures.

- I. SUBSTANTIAL CONFORMANCE: Subject to the Proffered Conditions and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the applicant's development of parking spaces and open space shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment Plan (the "Plan"), containing one sheet prepared by GJB Engineering, Inc., dated April 16, 2004.

- II. SITE PLANS: The applicant's development of parking spaces shall be subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES), except to the extent the Director waives any submission requirements. Any plan submitted pursuant to this PCA/FDPA shall be in substantial conformance with the Plan. Minor modifications may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

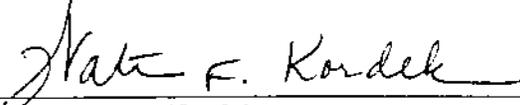
III. OPEN SPACE: Applicant shall provide approximately 94.7 acres of open space as shown on the Plan, as part of the development/redevelopment of the subject property. Such open space shall include, but not be limited to, all areas dedicated to Fairfax County Park Authority and other areas that qualify for open space under the definition(s) listed in the Fairfax County Zoning Ordinance.

IV. LANDSCAPING AND TREE PRESERVATION: In association with any parking expansion projects executed within and adjacent to the existing parking areas of the single family attached sections of the subject application property, the Applicant shall endeavor to preserve existing trees. Such preservation attempts shall not preclude the implementation of the proposed expansions shown on the Plan filed with this application. Preservation shall be in accordance with Fairfax County PFM (Public Facilities Manual) methods and standards for same. Applicant shall request a site inspection prior to construction by the Fairfax County DPW&ES OSDS Urban Forestry Division and shall conform to conditions imposed as a result of such inspection as a part of any parking expansion project. At a minimum, for each tree removed as a part of the parking expansion project, the Applicant will be required to plant, in accordance with the PFM, a new 6' to 8' deciduous tree (minimum 2.5" caliper) at locations within the single family attached portion of the development as directed by the Urban Forestry Division. All planting specifications for such proposed trees shall be in accordance with the PFM as approved by the Urban Forestry Division.

NEWGATE HOMEOWNERS ASSOCIATION,
INC.

Applicant

Tax Map #s 054-1-09 (T) and 054-3-10 (A), (A1),
(C), (D), (F), (G), (H), (K), (L), (M), (P) and (R)

By: 

Name: Walter F. Kordek

Its: President