APPENDIX 1

PROFFERS

RZ 2004-PR-010

YUOH KU & ALICE KU

Effective Date: November 9, 2004

Pursuant to § 15.2-2303(a) of the Code of Virginia, 1950, as amended, Yuoh Ku and Alice Ku, the undersigned applicants and owners, (hereinafter referred to as "Applicant"), for the owners, themselves, successors and assigns in RZ 2004-PR-010, filed for property identified as Tax Map Number 39-3 ((10)) 18, (hereinafter referred to as to the "Application Property"), proffer the following conditions, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-4 District in conjunction with a Generalized Development Plan (GDP) for residential development.

1. **Generalized Development Plan.**

   a. Subject to the provisions of § 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, consisting of three sheets prepared by Alexandria Surveys International, LLC, dated December 10, 2002, and revised through July 15, 2004.

   b. Pursuant to Paragraph numbered 5 of § 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicants reserve the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plat submission based on final house locations and building footprints provided such changes are in substantial conformance with the GDP. The Applicants shall have the flexibility to modify the layout shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total number of lots nor decrease the tree preservation and distances of building to peripheral lot lines.

   c. Applicants reserve the right to remove the existing house located on proposed Lot 18-A and construct a new two-story house on proposed Lot 18-A within the footprint depicted on the GDP.

2. **Landscaping.** Proposed landscaping for the newly created lot shall be in substantial conformance with the landscaping shown on the GDP, subject to minor adjustments approved by the Urban Forestry Division, if deemed necessary, and during

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review of the house grading plan or construction plan associated with the construction of the dwelling on proposed Lot 18-B.

3. **Density.** The rezoning to the R-4 District for the subdivision of this property shall not exceed two (2) lots. However, this proffer would not preclude the possible creation of an outlot over the proposed stormwater management facility so long as Lot 18B continues to meet the zoning requirement for the R-4 District.

4. **Tree Preservation.**

a. Applicants shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division.

b. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater 10 feet to either side of the limits of clearing and grading shown on the Preliminary Plat for the entire site. The tree survey shall also include areas of clearing and grading not shown on the Preliminary Plat resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, vertical mulching, fertilization and others, as deemed necessary, shall be included in the plan.

5. **Tree Preservation Fencing.**

a. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing four foot high, 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 as shown on the demolition, and phase I & II erosion and sediment control sheets for the entire site.

b. The applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of

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the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

c. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing, except super silt fence, shall be performed under the supervision of a certified arborist. Three business days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified in writing and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

6. **Site Monitoring.** The developer shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by the Urban Forestry Division.

7. Demolition of Existing Structures. The demolition of existing features shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are to be preserved as reviewed and approved by the Urban Forestry Division, DPWES. Methods to preserve existing trees may include, but not be limited to the following: use of super silt fence, welded wire tree protection fence, root pruning, mulching and others.

8. Limits of Clearing and Grading. The applicant shall substantially conform to the limits of clearing and grading as shown on the GDP subject to the installation of utilities and/or trails as determined by the Director of DPWES. Any minor adjustments which expands the limits of clearing and grading shall only be made with the approval of the Urban Forestry Division, DPWES. The applicant will work with the Urban Forestry Division to adjust the limits of clearing and grading in order to increase the survivability of trees at the edge of the limits of clearing and grading. If it is determined necessary to install utilities and/or trails outside 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 Forestry Division. A replanting plan shall be developed and implemented, subject to the approval of the Urban Forestry Division, for any areas outside of the limits of clearing and grading that must be disturbed.

9. **Water Quality / Stormwater Management.**

a. **Stormwater Management.** The Applicants shall request a waiver of the on-site stormwater management ("SWM") requirements for the

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subject development with DPW&ES. If the Applicant is not granted a waiver of on-site detention and the necessary approvals from DPW&ES, an infiltration trench shall be installed in the location on the GDP or low impact development (LID) practices will be implemented to address the minor runoff increases, as approved by DPW&ES.

b. **Water Quality/Best Management Practices.** The Applicants shall request a waiver of the on-site Best Management Practices ("BMP") requirements for the subject development with DPW&ES. If the Applicants are not granted a waiver of on-site BMP and the necessary approvals from DPW&ES, an on-site BMP facility will be provided generally in the location on the GDP.

10. Additional Proffers.

a. Public Schools Contribution At the time of issuance of the first building permit, Applicant shall contribute to Fairfax County a total of One Thousand Dollars ($1,000.00) to be applied toward the purchase of Wireless Networking and Mobile Lab Units in support of Stenwood Elementary School's Technology Project. Said contribution shall be deposited into the County Schools Proffer Account for distribution by the Board of Supervisors to the Fairfax County Public Schools. At the time the funds are received, other equivalent or more advanced technologies may be submitted, at the discretion of the principal, for the actual purchases that will be made and installed through the Fairfax County Public School System.

b. Affordable Dwelling Unit Program. At the time of first building permit approval, a contribution shall be made to the Fairfax County Housing Trust Fund of 0.5% of the sales price of each dwelling unit actually constructed or to be constructed. The Amount of said contribution shall be determined by the Fairfax County Department of Housing and Community Development.

c. Limited Construction Hours. Construction times will be limited to 7:00 a.m. through 7:00 p.m. Mondays through Saturdays, and no construction shall be permitted on Sundays.

11. Miscellaneous.

a. These proffers shall bind and inure to the benefit of the Applicants and his or her successors and assigns.
b. All of the improvements described herein shall be constructed concurrent with development of the Application Property, subsequent to subdivision plan approval.

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