PROFFERS

PCA 83-P-036-3

January 13, 1997

Pursuant to Section 15.1-491(a), Code of Virginia, as amended, 1800 L.L.C., Applicant/Owner of the property subject to Proffered Condition Amendment ("PCA") 83-P-036-3 identified as Tax Map 39-1 ((6)) 24, 25 and 26 (the "Subject Property"), proffers that the development of Subject Property shall be in accordance with the following conditions. These proffers, if accepted, replace and supersede previous proffers associated with PCA 83-P-036-2.

DESIGN

1. Subject to the provisions of Section 16-403 of the Zoning Ordinance, development of the Subject Property shall be in conformance with the Proffered Condition Amendment and Special Exception Plat prepared by Tri-Tek Engineering, dated November 26, 1996 as revised December 13, 1996.

2. The Subject Property shall be developed with a hotel with a maximum gross FAR limited to 1.0.

3. Landscaping shall be provided in general as shown on the Landscape Plan prepared by Tri-Tek Engineering dated November 26, 1996 as revised December 13, 1996. The exact number, size and species of trees and other plant material shall be submitted at the time of final site plan review and shall be subject to the review and approval of the Department of Environmental Management ("DEM").

TRANSPORTATION

4. Old Courthouse Road

   a. At the time of final site plan approval or upon demand by the Virginia Department of Transportation ("VDOT"), whichever shall occur first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Subject Property's Old Courthouse Road frontage measured 46 feet from the designed centerline as shown on the Proffered Condition Amendment and Special Exception Plat.

   b. Concurrent with the construction of the hotel but prior to issuance of the Non-Residential Use Permit ("Non-RUP"), and subject to VDOT and DEM approval, the Applicant shall construct to VDOT standards, road improvements along the Subject Property's Old Courthouse Road frontage with face of curb set 35 feet from the designed centerline.

5. Howard Avenue

a. At the time of final site plan approval or upon demand by VDOT, whichever shall occur first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Subject Property's Howard Avenue frontage measured 30 feet from the existing centerline.

b. Concurrent with the construction of the hotel, but prior to issuance of the Non-RUP, and subject to VDOT and DEM approval, the Applicant shall construct to VDOT standards, road improvements along the Subject Property's Howard Avenue frontage with face of curb set 22 feet from the centerline.

6. All land area dedicated for public roads in conjunction with these proffers and all densities related to the land areas of these dedications is hereby reserved for the development of the Subject Property in accordance with provisions of Paragraph 5 of Section 2-308 of the Zoning Ordinance.

7. The Applicant shall participate in the funding necessary for the potential signalization of the intersection of Howard Avenue and Old Courthouse Road.

a. Upon issuance of the building permit for the hotel, the Applicant shall contribute $15,000 to Fairfax County to defray the cost of the signalization of the intersection of Howard Avenue and Old Courthouse Road, at such time as VDOT authorizes signalization pursuant to the warrants required by the Uniform Manual of Traffic Control Devices.

The above $15,000 payment shall be increased by escalations to the Engineering News Record, Construction Cost Index from the date of the original C-4 zoning approval (February, 1984) to the date of issuance of the building permit.

b. Should VDOT not authorize signalization within five (5) years of site plan approval, the above funds shall be contributed to the Tysons Area Road Fund to be used for road improvements in the Tysons Area.

SIDEWALKS

8. The Applicant shall construct five (5) foot sidewalks along the Subject Property's Old Courthouse Road and Howard Avenue frontages as generally shown on the Proffered Condition Amendment and Special Exception Plat. The sidewalks shall be located to accommodate a six (6) foot wide landscaped area between the curb and the sidewalk. A public access easement shall be provided on portions of these sidewalks located outside the rights-of-way of Old Courthouse Road and Howard Avenue. At the Applicant's option, the sidewalk along Howard Avenue may be relocated so as to be entirely located outside of the the public right-of-way.

9. As shown on the Proffered Condition Amendment and Special Exception Plat, the Applicant shall provide a pedestrian connection from its parking area in the northeast portion of the site to the property line.

MISCELLANEOUS

10. Subject to DEM approval, storm water management shall be provided in a privately owned, operated and maintained underground system. This BMP facility shall be designed to remove 35 percent of the phosphorus for that volume of storm water on site that drains to the facility.

11. Building materials shall be limited to face brick or architectural concrete block, architectural metal panes, architectural pre-cast concrete, stone, exterior insulation and finish system (E.I.F.S.), and reflective and non-reflective glass, as approved by DEM. Building colors shall be limited to earth tones with two (2) additional accent colors.

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Jeffery H. Fisher President
1800 L.L.C.

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