

Proffer Statement  
Kingstowne Section 36B  
PCA C-448-22  
June 21, 2000

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978, as amended), Kingstowne Commercial L.P., (the "Applicant") in this Proffer Condition Amendment ("PCA") proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 91-2((1)), pt. 26I (hereinafter referred to as the "Property"), will be in accordance with the following conditions if said PCA is granted. In the event said application request is denied, this proffer statement shall be rendered null and void. Except as modified herein, the subject property is governed by the Proffer Development Conditions of June 17, 1985 in RZ 84-L-020 and the applicable proffers of rezonings and proffered condition amendments approved subsequent thereto but prior hereto. The proffered conditions are as follows:

1. Plans. Subject to the proffers and provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved Conceptual/Final Development Plan are permitted, the Property shall be developed in substantial conformance with the plan entitled "PCA/FDPA" prepared by BC Consultants, dated 11/15/99 and revised through 5/17/00 (the "Plans").
2. Uses. The Property is to be developed with up to a three story office building with a maximum of 38,000 square feet, which shall contain 100% office uses as defined in the Fairfax County Zoning Ordinance.
3. Screening. The trash/dumpster area for the office building shall be screened from view with a wooden, gated, fenced enclosure.
4. Retaining Walls. Any retaining walls located on the Property shall be of either: (1) a keystone material consistent with retaining walls found throughout Kingstowne, or (2) a material, such as brick or textured concrete, which is compatible and complementary to the materials used in the office building.
5. Erosion Control. During the time of construction, the Applicant shall, within 24 hours of a major storm event (i.e., a storm event greater than a two year storm) inspect the Property for damage and/or problems involving erosion and sediment control. This inspection shall be performed by an engineer familiar with erosion and sediment control (the "Inspector"). If problems or damage exist on the Property involving erosion and sediment control, the Inspector shall make remediation recommendations to the Applicant to address the problem and/or damage which shall be implemented by the Applicant immediately. Within three business days of a major storm event, whether or not problems and/or damage results, the Inspector shall file a report which details the

findings (damage and/or problems, remediation recommendations, actions taken by Applicant to respond to damage and/or problems) of the Inspector, which shall be filed with DPWES (Public Utilities Department).

6. Offsite Landscaping. The Applicant shall design a supplemental landscaping plan for the landscaping along the southern boundary of the property to be shown on final site plans in coordination with the Tartan Village Homeowners Association ("Tartan Village"). The Applicant shall, at the time site plans are submitted to Fairfax County, submit a copy of the site plans including the supplemental landscaping plan to Tartan Village for review and comment. Tartan Village may comment on the type and location of landscaping shown on the supplemental landscaping plan.

7. Lighting. Lighting in the parking lot areas shall be directed inward and downward to minimize any impact to adjacent uses.

8. Architectural Treatment. The architectural façade treatment of the office building shall be identical on all four sides of the structure.

Kingstowne Commercial L.P.

By: Halle Enterprises, Inc., its  
General Partner

By: Warren E. Halle  
Warren E. Halle, President