

JUL 15 1997

PROFFERS / DEVELOPMENT CONDITIONS - MAP EVALUATION DIVISION

PCA 86-W-001-7 / PCA 86-P-089-4

July 11, 1997

Pursuant to Section 15.1-491(a), Code of Virginia 1950 edition as amended, subject to the Board of Supervisors approval of the requested Proffered Condition Amendments, Owner, its successors or assigns, proffers the following. All previous proffers/development conditions shall remain in full force and effect except that the following language shall be added to the proffer statements dated July 25, 1988 and approved on August 1, 1988 by the Board of Supervisors and dated October 4, 1995 and approved on October 30, 1995 by the Board of Supervisors for tax map 55-2 ((1)) 15 (Land Bay A). Should there be any inconsistencies between these proffers and prior proffers, these proffers shall replace and supersede those prior proffers or portions thereof.

A. LAND USE

- 1 a. Land Bay A shall be developed in conformance with the Conceptual Development Plan Amendment and Final Development Plan Amendment (CDPA/FDPA) consisting of four (4) sheets prepared by William H. Gordon Associates, Inc. and dated February, 1997 as amended through June 9, 1997. Interim uses as shown on Sheet 2 of the CDPA/FDPA shall be permitted until such time as approved uses are developed.

D. STORMWATER MANAGEMENT

3. A Storm Water Management System shall be constructed on Land Bay A in two phases which, when complete, shall satisfy all of the storm water quantity and storm water quality requirements, best management practices and all other requirements applicable to storm water drainage, detention, retention and water quality control as further described in an Agreement for Design, Construction and Maintenance of Storm Water Management System, dated January 17, 1997 and executed by the Owner, the Applicant, and Overbank, L.L.C., and as determined by the Department of Environmental Management (DEM).

E. ENVIRONMENTAL

4. All waste water resulting from the cleaning and draining of the swimming pool located on Land Bay A shall meet the appropriate level of water quality prior to discharge as determined by DEM. During discharge of swimming pool waters, the Owner, its

successors or assigns, shall implement an operational procedure to properly neutralize pool waters prior to discharge and to meet the State Water Control Board water quality standards for dissolved oxygen. Sufficient amounts of lime or soda ash shall be added to the acid cleaning solution to achieve a pH approximately equal to that of the receiving stream.

If the water being discharged from the swimming pool is discolored or contains a high level of suspended solids that could effect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged

F NOISE ATTENUATION

- 3 Owner, its successors or assigns, shall utilize building materials with characteristics to achieve a maximum interior noise level of 45 dBA Ldn for the hotel on Land Bay A and 50 dBA Ldn for the offices on Land Bay A as shown on the CDPA/FDPA.
 - a. All buildings located between 70-75 dBA Ldn highway noise impact contours or greater shall have the following acoustical attributes:
 - (i) Exterior walls shall have a laboratory Sound Transmission Class (STC) rating of at least 45.
 - (ii) Doors and windows shall have a laboratory STC rating of at least 37. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC as walls
 - (iii) Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
 - b. All buildings located between the 65-70 dBA Ldn highway noise impact contours should have the following acoustical attributes:
 - (i) Exterior walls shall have a laboratory STC rating of at least 39.
 - (ii) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC as walls

- (iii) Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission
- c. As an alternative, the Owner, its successors or assigns, may submit to the Office of Comprehensive Planning (OCP) and DEM an acoustical engineering study which will specify those building materials to be used to ensure that building interior sound levels will not be in excess of 45 dBA Ldn for the hotel and 50 dBA Ldn for the office delineated on the CDPA/FDPA within the above-referenced areas. The study methodology shall be acceptable to OCP and implementation of the study shall be approved by OCP and DEM.

H TRANSPORTATION

16. Owner, its successors or assigns, shall reserve right-of-way for future HOV Lane at I-66. Said reservation shall be held until such time as construction of the HOV project is funded. Owner shall, upon request from VDOT and/or Fairfax County, dedicate or, if still owned by the Board of Supervisors, shall provide the aforesaid area when the HOV Lane design as specified above has been fully funded for construction. If said HOV Lane is deleted from the County's Comprehensive Plan and/or the Virginia Commonwealth Transportation Board Improvement Plan, the aforesaid reservation shall automatically expire without limitation. Prior to dedication/provision, owner shall be permitted to utilize said area for parking and/or recreational purposes/uses. If and when the HOV flyover project is funded, and prior to dedication/provision, all parking and/or recreational uses within the reservation area shall be terminated and vacated. The Owner, its successors or assigns, shall bear the cost of said termination and vacation

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

TITLE OWNER

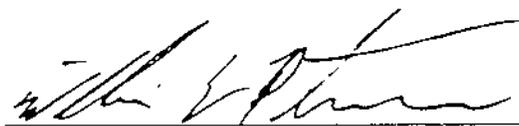
Board of Supervisors of Fairfax County, Virginia

By: 
Anthony H. Griffin, Acting County Executive

APPLICANT

FL PROMENADE, L.P.

By: FL Promenade L.C., its General Partner

By: 

Name: WILLIAM E. PETERSON

Its: MANAGER