DRAFT
PROFFERS

JEFFERSON AT PRESIDENT'S PARK L.P.

RZ 1996-HM-043

March 18, 1998

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Jefferson at President's Park L.P., the Applicant for themselves, their successors and assigns, in RZ 1996-HM-043, filed for property identified as Tax Map 15-4 ((1)) 22I, 23 part (hereinafter referred to as the "Application Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-30 District.

1. Development Plan. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by Land Design Inc. consisting of 10 sheets dated August 8, 1996, and revised through February 10 , 1998.

2. Final Development Plan Amendment. Notwithstanding that the CDP/FDP is presented on 10 sheets and said CDP/FDP is the subject of Proffer No. 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheet 2 relative to the points of access, the total number and general location and type of units, amount of open space and the general location of the recreational facilities, and location of common open space areas, limits of clearing and grading and that the Applicant has the option of requesting a Final Development Plan Amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.

3. Minor Deviations. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator, agents or assigns and neither increase the total number of units nor decrease the amount of open space.

4. Recreational Facilities/Amenities. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities by providing the following facilities as shown on the CDP/FDP.

   - One (1) multi-purpose court.
   - One (1) swimming pool.

- One (1) clubhouse/leasing office with exercise facilities, business center and community room.
- Lawn recreation area. This area may be utilized for recreation activities such as, but not limited to, volleyball, badminton, frisbee, etc...
- Passive recreation area. This area may be utilized for passive recreation activities such as, but not limited to, picnic areas, seating areas, formal garden, etc..

5. Swimming Pool Discharge. All waste water resulting from the cleaning and draining of the pool located on the site shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. The Applicant shall neutralize pool waters to a PH from 6.0 to 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a PH of approximate equal to that of the receiving stream.

   If the water being discharged from the 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 prior to being discharged.

6. Stormwater Management. Stormwater management (SWM) and Best Management Practices (BMPs) for the Application Property will be provided in the existing wet pond located on the Application Property in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance as approved by DEM. The Applicant, its successors or assigns shall maintain the wet pond. The Applicant shall modify the existing wet pond to incorporate a shallow bench at least five (5) feet wide and at a maximum depth of approximately two (2) feet. The shallow bench shall be planted with wetland species. Plants utilized shall be those identified as having moderate to high wildlife value as wetland species in the Metropolitan Washington COG Manual entitled "Controlling Urban Runoff" or similar document acceptable to DEM.

7. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of trails and utility lines, if necessary, as approved by DEM. The trails and utility lines located outside the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering, as determined by the Urban Forester.

8. Sidewalks/Trails.

   A. The Applicant shall construct a pedestrian sidewalk system throughout the Application Property that will interconnect the buildings and provide connections to Horse Pen Road and Enterprise Drive as generally shown on Sheets 4 and 5 of the CDP/FDP.

B. The Applicant shall construct an eight (8) foot wide asphalt trail along the south side of Horse Pen Road.

9. Architecture/Building Landscaping. The building elevation and typical unit landscaping for the proposed multi-family units shall be consistent with the conceptual elevation and typical unit landscaping detail shown on Sheets 6 and 9 of the CDP/FDP, or of a comparable quality as determined by DEM. The freestanding garages shall be architecturally compatible with the multi-family buildings in terms of material, i.e., siding, and color.

10. Affordable Housing. The Applicant shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance unless modified by the ADU Advisory Board. The number of ADUs to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU Ordinance.

11. Use of Garages. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney. Purchasers/Renters shall be advised of the use restriction prior to entering into a sales/rental contract.

12. Design Detail. The design details shown on Sheets 6 through 8 and Sheet 10 submitted with the CDP/FDP are provided to illustrate the design intent and overall community organization of the proposed development. Landscaping and on-site amenities shall be provided generally in character and quantity with the illustrations and details presented on these sheets. Specific features such as exact locations of plantings, garages, sidewalks, etc. are subject to modification with final engineering and architectural design.

In order to assure design compatibility between the office development proposed on Tax Map 15-4 ((1)) Parcels 22A and 22D in conjunction with Site Plan No. 6867-SP-12 ("the office development") and the Application Property, the following design elements shall be provided:

A. Horse Pen Road Streetscape. The Applicant shall implement the landscaping along the south side of Horse Pen Road in accordance with the Horse Pen Road Streetscape Plan shown on Sheet 10 of the CDP/FDP. This portion of the streetscaping shall be installed prior to the issuance of the first residential permit for the multiple family units. The substitution of plant materials for this streetscape landscaping shall be compatible with the streetscape landscaping proposed for the office development, as determined by DEM/Urban Forester. Benches, trash receptacles, and other street furniture along Horse Pen Road shall be of a compatible style with the office development as shown on the Streetscape Plan, as determined by DEM.

B. Plaza Features. Two (2) plaza areas shall be provided along Horse Pen Road as depicted on Sheets 4 and 5 of the CDP/FDP opposite the office development. These plaza areas shall include benches, special paving, and a landscape design which is compatible with and complementary to the landscaping at the entrances.

C. Community Identification. Both the office and residential developments shall utilize a presidential theme in the naming of the developments and of any new streets. A coordinated signage system for the signage at the entrances to both the residential and office developments shall be provided to identify the projects. The identification sign for the residential development shall be similar in character to the illustration shown on the Horse Pen Road Streetscape Plan shown on Sheet 10 of the CDP/FDP. The sign(s) at the entrances shall be compatible and harmonious with the entrance sign(s) for the office development in terms of materials, typeface, color and lighting.

13. Route 28 Tax District Contribution. The Applicant shall provide prepayment of taxes that would be attributable to the Application property as currently zoned in accordance with the formula and provisions as adopted by the Board of Supervisors for optional residential development within the Route 28 Tax District. The prepayment of taxes shall be made within 60 days of the Board of Supervisors approval of this rezoning.

14. Enterprise Drive.

A. To facilitate the acceptance of Enterprise Drive into the public street system, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors and/or VDOT, right-of-way and existing associated improvements in the dedicated right-of-way along the Application Property's frontage of Enterprise Drive as shown on the CDP/FDP. All dedicated improvements along the Application Property's frontage of Enterprise Drive shall be of a standard acceptable to VDOT/DEM; however, the property owner, and its successors and assigns, shall not be responsible for any improvements to Enterprise Drive beyond the existing frontage and right-of-way, to include, but not be limited to, further extension of Enterprise Drive or construction of a culdesac. This dedication shall be made, at the Applicant's discretion, at such time as VDOT determines that Enterprise Drive meets the criteria for acceptance into the state system.

B. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.

15. Clubhouse/Swimming Pool. The Applicant shall provide a clubhouse with exercise facilities, business center and community room and swimming pool as shown on the CDP/FDP or in the location generally shown on the alternate layout depicted on Sheet 7 of the CDP/FDP.

16. Park Contribution. At the time of issuance of each building permit for each building, the Applicant shall contribute $325.00 per residential unit, excluding ADU's, to the Fairfax County Park Authority for recreational facilities, such as soccer fields, baseball fields or other athletic fields or court facilities in the Hunter Mill District and in the immediate vicinity of the Application property. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the Consumer Cost Index as published in the *Engineering New Record* by McGraw-Hill.

17. Severability. Any portion of the Application Property may be subject to a Proffered Condition Amendment and/or Final Development Plan Amendment without joinder and/or consent of the other sections, if such PCA and/or FDPA does not affect any other sections. Previously approved proffered conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.

18. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

19. Counterparts. These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in same instrument.

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[SIGNATURES ON FOLLOWING PAGES]

APPLICANT/TITLE OWNER OF TAX MAP 15-4 ((1)) 22I/CONTRACT PURCHASER OF TAX MAP 15-4 ((1))23pt.

JEFFERSON AT PRESIDENT'S PARK L.P., a Texas limited partnership

By: APARTMENT COMMUNITY REALTY LLC., its general partner

By:_____
Robert D. Page, President

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

TITLE OWNER OF TAX MAP 15-4 ((1)) 23
DULLES CORNER PROPERTIES II LIMITED
PARTNERSHIP, a Virginia limited partnership

By: Dulles Corner Associates Limited Partnership,
a Virginia limited partnership, its general partner

By: Equity Dulles Corner Venture, a
Colorado general partnership,
its general partner

By: U.S. WEST Real Estate, Inc.,
a Colorado Corporation its
general partner

By:_____
Its:_____