

PROFFERS  
RZ 95-P-022 (AMENDED)  
CEDAR LANE ASSOCIATES, L.C.  
MAY1, 1998

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, and Section 18-204 of the Fairfax County Zoning Ordinance, the undersigned, as the Applicant in the above-referenced Rezoning Application and the owners of the Property (the "Property") which is the subject matter thereof, hereby proffer that the development of the Property will be subject to the following terms and conditions should the same be rezoned to R-5:

1. The Property shall be developed in substantial conformance with the Generalized Development Plan (GDP) and Conceptual Landscape Plan dated August 14, 1997, revised to May1, 1998, prepared by D.A. Bryant P.C. The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted and/or rendered necessary by the subdivision ordinance, the zoning ordinance, or by the Public Facilities Manual, as determined by the Department of Environmental Management (DEM) and/or the Zoning Administrator.

2. Landscaping and Open Space -

- (a) For the purposes of maximizing the preservation of trees, a tree preservation/landscape plan ("TLP") in substantial conformity with the Conceptual Landscape Plan (sheet 2 of 2 of the GDP) ("CLP") shall be submitted concurrent with the final subdivision plan for review and approval by the Urban Forestry Branch. The following is noted with regard to the trees shown on the CLP as trees to be saved: All such trees shown are intended to be preserved and the CLP has been prepared in consultation with a landscape architect for this purpose. The viability of any individual tree for preservation shall be determined in the review of the TLP by Urban Forestry/DEM in consultation with the project landscape architect. It is specifically noted that the three white oak trees shown to be preserved on the Idylwood Road frontage are subject to the grading and construction requirements for the entrance road and any on-site storm water management facility. Subject to the above, it is agreed that the Urban Forestry Branch and/or DEM may require modifications to the TLP to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height or require the relocation of the Idylwood Road site entry.

Subject to the approval of the Urban Forestry Branch and/or DEM, the Applicant shall perform the following measures relating to tree preservation on the property:

- The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the Applicant shall walk the limits of clearing with a certified arborist or an Urban Forestry Branch representative and the landscape architect to determine where minor adjustments to the line may be made if necessary to ensure the preservation of trees in the tree save area.
- The trees designated to be saved on the tree preservation/landscape plan shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. The Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.
- The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities as reasonably determined by DEM. If it is necessary to locate utility lines outside the limits of clearing and grading, those lines shall be located and installed in the manner least disruptive to existing trees as possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas outside the limits of clearing and grading that must be disturbed, as approved by the Urban Forester
- In addition, where it is determined feasible, reasonable adjustments to the proposed grading and location of the proposed units on the application property may be made as suggested by DEM or Urban Forestry Branch at the time of final engineering to enhance specific tree preservation, provided that such modifications do not delay the project start or implementation.
- If as a result of final engineering trees designated to be saved on the TLP cannot be preserved, replacement trees in accordance with PFM standards or other tree save areas or landscaped areas shall be substituted on the site as reasonably determined by Urban Forestry Branch and/or DEM.

- (b) All open space areas shown on the GDP shall be dedicated and conveyed to a homeowners association and the area of same outside the final limits of clearing and grading shall remain undisturbed before, during and after development activity, except for necessary placement of utilities and Storm Water Management/Best Management Practices (SWM/BMP) facilities as approved by DEM. Applicant shall restore areas disturbed for placement of utilities, if different from that shown on the TLP, as determined by the Urban Forester.
3. The open space shall be conveyed to a Homeowner's Association to be formed as approved by the County Attorney. The open space is all areas outside of the dwelling unit lots.
4. All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by Virginia Power or Washington Gas for either electric or gas energy systems.
5. The private streets will be constructed with materials and depth of pavement consistent with the street standards as required by the Public Facilities Manual. Purchasers of units at the time of contract will be advised in writing that the streets are private and are the responsibility of the HOA to maintain, and are not a public responsibility.
6. At the time of final site plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one percent (1%) of the projected sales price of only the 15 units to be developed on Tax Map Parcels 39-3-001-20, 86 and 87 to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and DEM.
7. Along the Property's common property line with the Wheystone development the Applicant will provide a solid six-foot board fence with masonry columns from Electric Avenue to the beginning of the chain link fence behind proposed Unit 7. The fence will be constructed so as to preserve the existing trees along the property line to the maximum extent feasible as determined by DEM/Urban Forester.
8. Along the Property's line to the rear of proposed Units 17 through 20 between the Goldstream Court development and the Property, the Applicant will provide a new solid six-foot board fence with masonry columns.
9. The HOA documents shall contain a covenant running to the benefit of the HOA as approved by the County Attorney prohibiting the conversion of

garages to living space, and the purchasers of units will be advised of this in writing at the time of contract.

10. If the on-site detention pond is waived by DEM, the area of the possible pond will become part of the common open space of the project and will be subject to the HOA open space covenants as approved by the County Attorney, and will be subject to the terms of proffer 2.

11. The Applicant has caused to be performed at its expense a Phase I Site Reconnaissance Survey (archeological survey) of the Property by Thunderbird Archeological Associates, Inc. which finds that the Property is not significant archeologically or historically and recommends no further study. A copy of the study has been provided to County staff and approved.

13. At the time of final site plan approval a contribution of \$300.00 per approved dwelling unit will be made to the Fairfax County Park Authority for active recreation facilities in park(s) in the Dunn Loring area.

14. The Applicant shall contribute the sum of \$2000.00 per unit to Fairfax County to be used for future improvements to Cedar Lane by others. This sum shall be paid prior to the release of the bond for the project and shall be a condition of such release.

15. These proffers supercede and replace any previous proffers applicable to all or any part of the Property.

#### BINDING EFFECT

16. These proffers will be binding upon the Applicant and its successors and assigns

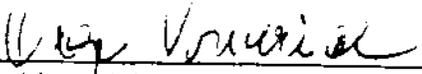
Applicant:/Owner 39-3-((1)) 85A, 86,87

CEDAR LANE ASSOCIATES, L.C.

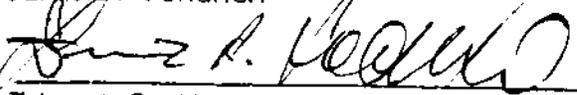
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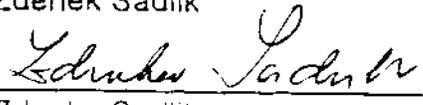
  
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Owners 39-4-((1))-20

  
Olga Vondrich

  
Jaroslav Vondrich

  
Zdenek Sadlik

  
Zdenka Sadlik