

## PROFFERS

### GREAT FALLS WOODS

RZ 98-HM-020

January 28, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Coscan Brookfield Homes, (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns, in RZ 98-HM-020 (the "Application"), filed for property identified as Tax Map 6-4((1))-74A & 78 and 11-2((1))-12 & 17 (hereinafter referred to as the "Application Property") agrees to the following proffers, provided that the Board of Supervisors approves the Application.

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 VIKA, Incorporated, dated March 24, 1998 and revised through October 1, 1998 consisting of four (4) sheets.
2. Final Development Plan Amendment. Notwithstanding the fact that the 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 3 but only relative to the points of access, the total number, general location and type of units, the amount of open space and the location of common open space areas, and the limits of clearing and grading. The Applicant has the option of requesting a Final Development Plan Amendment ("FDPA") for elements other than the aforementioned 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 layouts 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. The Applicant shall expend a minimum of \$955 per dwelling unit for the development of both active and passive recreation facilities, amenities and trails as identified on the CDP/FDP. A children's play area, to include a variety of equipment appropriate for school age children, shall be provided in the location shown on the CDP/FDP for the tot lot. Such facilities shall be constructed concurrent with the development of the Application Property. If the actual expenditure for such facilities does not equal a minimum of \$955 per dwelling unit, the Applicant shall contribute the difference to the Park Authority

for development of park facilities in the area on a per unit basis at the time of building permit approval.

5. Fairfax County Park Authority Contribution. In addition to Proffer # 4, above, at the time of building permit approval, the Applicant shall contribute \$200.00 per dwelling unit to the Fairfax County Park Authority for offsite recreational facilities in the 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 News Record* by McGraw-Hill.
6. Dedication of Right-of-Way. Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's frontages, as shown on the CDP/FDP, as follows:
  - a. Thirty-five (35) feet from the centerline of the existing Reston Avenue;
  - b. A minimum of 114 feet from the centerline of the existing Leesburg Pike; and
  - c. Fifty-six (56) feet from the centerline of the existing Stuart Road.
  - d. Fifty-six (56) feet from the centerline of the existing Sugarland Road.

Dedication shall be made at time of subdivision plan approval or upon demand from Fairfax County, whichever shall first occur. At the time of subdivision plan approval, Applicant shall grant an ancillary easement to the Board of fifteen (15) feet parallel to the right-of-way dedicated by the Applicant along the Application Property's Leesburg Pike frontage for temporary construction and/or maintenance of improvements made within such right-of-way.

7. Construction. Subject to VDOT and DPW&ES approval, the Applicant shall construct frontage improvements to Reston Avenue measuring twenty-six (26) feet from centerline within the dedicated right-of-way as shown on the CDP/FDP concurrent with the development of the Application Property.
8. Off-site Improvements.
  - a. The Applicant shall reconstruct the existing, temporary cul-de-sac on Hanna Overlook Court as a permanent cul-de-sac concurrent with the development of the Application Property.

- b. The Applicant shall construct improvements to the existing dry cleaning establishment located at 1110 Reston Avenue, to the north of the proposed entrance to the Application Property. Such improvements shall include the renovation of the existing building facade, landscaping improvements along the Reston Avenue frontage, and other site improvements to complement the entrance to the Application Property. Such improvements shall be constructed prior to the issuance of a non-residential use permit for the Child Care Center and shall be in general conformance with the concepts depicted on Exhibit A attached hereto.
9. Private Streets. The private streets identified on the CDP/FDP as "Access Road A" and "Court A" shall be constructed of materials and to a depth of pavement consistent with Section 7-502 of the Public Facilities Manual.
10. Emergency Access Easement. The Applicant shall provide a fifteen (15) foot emergency access easement adjacent to the southern lot line of Lot 36, extending from "Access Road A" to the western property line as shown on the CDP/FDP (the "Access Easement"). The Applicant shall improve the Access Easement with "Grass-crete" or similar material concurrent with the development of the Application Property. The Applicant shall extend such material off-site within the existing, adjacent VDOT right-of-way to connect with Hanna Overlook Court. The Access Easement shall be established for the purpose of providing emergency access between the proposed development and the Stuart Hills Subdivision. Vehicular passage for purposes other than emergency access shall be prohibited.
11. Trails. The Applicant shall construct the trail shown on the CDP/FDP along the Application Property's Reston Avenue frontage concurrent with frontage improvements to Reston Avenue. The Applicant shall contribute to an escrow account, at the time of subdivision plan approval, funds sufficient to pay for the construction of the trails shown on the CDP/FDP along the Application Property's Leesburg Pike, Stuart Road and Sugarland Road frontages, in an amount determined by DPW&ES. Fairfax County shall have the right to receive such funds, upon demand, for purposes of paying the actual construction costs of such trails.
12. Density Credit. 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 subdivision plan approval.
13. Stormwater Management. The Applicant shall provide stormwater management (SWM) and best management practices (BMPs) in accordance with the requirements of DPW&ES at the time of subdivision plan approval. In the event that on-site SWM is waived by DPW&ES, the western-most area designated on the CDP/FDP for on-site SWM may be provided as

additional lot area and/or open space, and the eastern-most area designated on the CDP/FDP for on-site SWM shall be provided as undisturbed open space area. In such event, the Applicant shall not be required to provide the SWM pond buffers shown on the CDP/FDP as a double row of medium to large evergreen trees.

14. Lot Lines. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at the time of subdivision plan submission based on final house locations and building footprints, provided that the overall density and open space is not changed. The Applicant shall maintain peripheral setback lines as shown on the CDP/FDP.
15. Limits of Clearing and Grading. The Applicant shall generally conform to the limits of clearing and grading as shown on the CDP/FDP, subject to modifications for the installation of trail(s), utility lines and/or road crossings, if necessary, as approved by DPW&ES. Any trail(s) and/or utility lines located within areas protected by the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering as determined by DPW&ES, and, if feasible, disrupted areas outside the easement shall be revegetated.
16. Landscaping and Open Space. Applicant shall provide landscaping on the Application Property using a combination of existing and proposed vegetation. Street trees and peripheral landscaping shall be provided by the applicant as shown on the CDP/FDP. The exact location of the proposed plantings may be modified as necessary for the installation of utilities in coordination with the Urban Forester.
17. Tree Preservation. The Applicant shall preserve those trees located in the area designated on the CDP/FDP as "tree save area." To the extent, if any, such area is modified as a result of final engineering, an equivalent area to that modified shall be substituted on the site as determined by the Urban Forester.

In addition, for the purposes of maximizing the preservation of trees on individual lots, the Applicant shall retain an arborist certified by the International Society of Arboriculture to consult on the preparation of a tree preservation plan. The tree preservation plan (the "Plan") shall be submitted as part of the final subdivision plan and house location plans and shall be coordinated with and approved by the Urban Forestry Branch of DPW&ES. The Plan shall provide for the preservation of specific quality trees or stands of trees located on individual lots which can be preserved without precluding the development of a typical home on each of the lots as shown on the CDP/FDP. The Urban Forester may require modifications to the Plan to the extent such modifications do not alter the number of dwelling units as shown on the CDP/FDP, reduce the size of the proposed units, significantly alter the location of the

units on their respective lots, require an FDPA or require the installation of retaining walls greater than two (2) feet in height.

The Plan shall include the following elements:

- A pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved.
  - The trees designated to be saved shall be protected by fencing, a minimum of four (4) feet in height, placed at the dripline of trees to be preserved, or at the limits of clearing and grading, whichever is greater. The fencing shall be installed prior to the commencement of clearing and grading activities. Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel. The arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the Plan.
  - In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at time of final engineering to enhance specific tree preservation.
18. Environmental Quality Corridor (EQC). The area(s) designated on the CDP/FDP as EQC shall remain as undisturbed open space. Such EQC area(s) shall not be disturbed except for trails, utility lines and road crossings as shown on the CDP/FDP, and no structures or fences shall be constructed within the EQC.
19. Homeowners Association. The Applicant shall establish a homeowners association ("HOA") for the proposed development to own, manage and maintain the open space including the EQC areas, the private streets, the recreational facilities and all other community owned land and improvements. Purchasers shall be advised in writing prior to entering into a contract of sale that the HOA shall be responsible for the maintenance of all such improvements. The HOA documents shall specify that the HOA is responsible for the maintenance of such improvements. The HOA documents shall require that trees in areas designated as EQC will not be disturbed except for removal of diseased, dead or dying trees as approved by the Urban Forester.

Specifically, the HOA documents shall provide notice to prospective purchasers of the private streets in the development and the extent to which such streets shall be gated and access to or on them controlled. Such documents shall further provide notice to prospective purchasers that the HOA is and shall be solely responsible for the maintenance of the private streets, the gates and guard houses, and other related improvements and that each homeowner's HOA

fees shall reflect such expenses. Such documents shall further provide notice to prospective purchasers that neither the County nor VDOT is or shall be responsible for such maintenance. Prior to the issuance of the residential use permit for the thirty-sixth unit, the Applicant shall resurface the private streets. In addition, in order to ensure adequate funding for such maintenance during the initial period of the HOA, the Applicant shall contribute to the HOA, prior to turning over control of the HOA, funds sufficient to pay for the cost of a subsequent resurfacing of the private streets as determined by DPW&ES. Once contributed, such funds shall be managed by and in the sole discretion of the governing body of the HOA.

20. Residential Noise Attenuation.

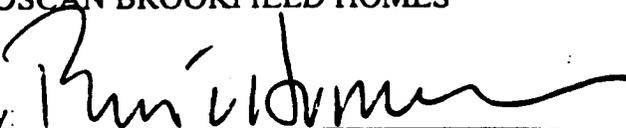
- a. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards to achieve a maximum interior noise level of 45 dBA Ldn for all units located within 1,650 feet of the centerline of Leesburg Pike which are impacted by highway noise levels between 70 and 65 dBA Ldn noise contours and not otherwise shielded by structures or topography. Such units shall have the following acoustical attributes: Exterior walls shall have a laboratory STC rating of at least 39; 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. 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. In order to achieve a maximum exterior noise level of 65 dBA Ldn in rear yards located within 65 and 70 dBA Ldn noise contours, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those outdoor recreation areas, including rear yards, that are unshielded by topography or structures. If acoustical fencing or walls are used, they should be architecturally solid from ground up with no gaps or openings (except where necessary to provide for a gate, drainage or utilities), and they should be of sufficient height to adequately shield the impacted area from the source of noise.
- c. As an alternative to "a" or "b", above, the Applicant may elect to have an acoustical analysis performed to verify or amend the noise levels and impact areas set forth above and/or to determine which units may have sufficient shielding from vegetation and other structures to permit a reduction in the mitigation measures prescribed above; or to determine minimum STC ratings for exterior walls, windows, and doors. Such analysis shall be coordinated with the Department of Planning and Zoning and subject to approval by DPW&ES.

21. Fire Station Preemptive Signalization. The Applicant shall, prior to the issuance of the thirty-sixth residential use permit, contribute \$15,000 to an escrow account to pay for the actual cost of constructing a preemptive signal at the intersection of Leesburg Pike and Reston Avenue in conjunction with the proposed construction of the North Point Fire Station. Fairfax County shall have the right to receive such funds, upon demand, for purposes of paying the actual construction costs of such signalization. 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 News Record* by McGraw-Hill.
22. Child Care Center. The Applicant shall provide a child care center as generally shown on the CDP/FDP. The maximum daily enrollment shall be limited to 160 students and the business hours of operation shall be no longer than from 6:00 a.m. to 7:00 p.m. Other programs such as parent conferences, staff training, etc. may occur at times other than the business hours of operation. Transitional screening and barriers shall be provided adjacent to the Child Care Center as shown on the CDP/FDP. Landscaping and other amenities shall be provided as shown on the CDP/FDP. The architecture of the child care center shall be residential in character, and building materials and colors shall be compatible with the proposed residential units.
23. Historical Marker. The Applicant shall install an historical marker, commemorating the site as part of the Battle of Dranesville, in a location and of a content that is mutually agreeable to the Applicant and the Park Authority. The marker shall be installed prior to the issuance of the thirty-sixth residential use permit.
24. Housing Trust Fund Contribution. At the time of final subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one percent (1%) of the projected sales price of the house to be built on each lot 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 Fairfax County Department of Housing and Community Development (HCD) and DPW&ES. The timing and amount of such contribution may be modified at the Applicant's sole discretion based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.
25. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.
26. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

27. Severability. Any of the sections may be subject to a Proffered Condition Amendment (PCA) without joinder and/or consent of the other sections, if such PCA does not substantially 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.

(SIGNATURES BEGIN ON NEXT PAGE)

APPLICANT/CONTRACT PURCHASER  
COSCAN BROOKFIELD HOMES

By:   
Name: Robert C. Hubbell  
Its: President

(SIGNATURES CONTINUE ON NEXT PAGE)

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TITLE OWNER  
Warren K. Montouri, TRUSTEE

By: Warren K. Montouri, Trustee  
Name: Warren K. Montouri, Trustee

**FINAL DEVELOPMENT PLAN CONDITIONS  
FDP 1998-HM-020**

**October 7, 1998**

If it is the intent of the Planning Commission to approve RZ 1998-HM-020, staff recommends that such approval be subject to the following conditions:

1. Development of the application property shall be in substantial conformance with the Final Development Plan prepared by Vika Engineering dated March 24, 1998 and revised to October 1, 1998, entitled "Great Falls Woods" consisting of four sheets and these conditions.
2. A minimum building setback of 25 feet shall be provided for Lots 35 and 36 from the shared lot line with Lot 10 of the adjacent Stuart Hills Subdivision.
3. An average lot size of 22,200 square feet shall be maintained within the entire development; however the minimum lot size shall be 16,000 square feet. Notwithstanding the above, Lots 33, 35 and 36 shall be a minimum of 25,000 square feet in size.
4. The maximum number of children permitted in the play area for the child care center shall be limited to not more than 60 children at any one time.
5. The child care center shall be subject to the regulations of Chapter 30 of the Code or Title 63.1, Chapter 10 of the Code of Virginia as applicable.