

PROFFERS

RZ 1998-SU-038

December 17, 1998

Pursuant to Section 15.2-2303A of the Code of Virginia (1950 as amended), the undersigned owners for themselves, their successors and assigns and Edgemoore Homes L.L.C. (hereinafter referred to as the "Applicant") hereby proffers to develop the Subject Property in accordance with the following conditions, provided the Board of Supervisors rezones the Subject Property to the R-8 Zoning District as proffered. For the purpose of these proffers, the term "Developer" refers to the Applicant herein, its successors or assigns.

1. a. Generalized Development Plan. Development of the property shall be in substantial conformance with the plan entitled "Generalized Development Plan (GDP)," prepared by the BC Consultants, dated September 23, 1998, as revised through December 14, 1998.

b. In the event DPWES determines that adequate Best Management Practices (BMP) cannot be accomplished within the layout as shown on Sheet 1 of the GDP, then the Developer may submit the alternative lot design as shown on Sheet 3 in order to satisfy BMP criteria.

2. Minor modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator to be in substantial conformance with the GDP. The Developer reserves the right to make minor adjustments to the internal lot lines, utilities, etc. of the proposed subdivision at time of site plan submission, based on final house locations and building footprints, as determined necessary by DPWES. The Developer shall maintain peripheral setback lines and the open space as shown on the GDP.

3. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES for either electric or gas energy systems, as applicable.

4. a. The Developer shall conform to the limits of clearing and grading shown on the GDP subject to modifications for the necessary installation of trails, utility lines and stormwater management facilities as approved by DPWES. At the time of grading plan review, the Developer shall designate limits of clearing and grading, in addition to those shown on the GDP, in areas where it is economically feasible to save additional trees without precluding construction of the project in accordance with the GDP, including but not limited to, the specific density and general development configuration shown thereon. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES. If any trees within the area designated to be preserved are destroyed as a

result of the Developer's construction activities, the Developer will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Branch pursuant to Section 12403 of the Public Facilities Manual.

b. At time of site plan submission, the Developer shall submit a re-vegetation plan of the two "Tree Save Areas" shown on the GDP to the Urban Forester for approval. The plan shall include re-vegetation using native species (predominantly evergreen trees, excluding white pines), as approved by the Urban Forester.

5. If blasting is required, and before any blasting occurs on the Subject Property, the Developer will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats shall be implemented. In addition, the Developer shall:

- a. Retain a professional consultant to perform a preblast survey of each house or building, to the extent that any of these structures, are located within one hundred fifty (150) feet of the blast site.
- b. Require his consultant to request access to house, buildings, or swimming pools that are located within said 150 foot range, to determine the pre-blast conditions of these structures. The Developer's consultants will be required to give adequate notice of the scheduling of the pre-blast survey.
- c. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Developer shall provide seismographic monitoring records to County agencies upon their request.
- d. Upon receipt of a claim of actual damage resulting from said blasting, the Developer shall cause his consultant to respond expeditiously by meeting at the site of the alleged damage to confer with the property owner. The Developer will require subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity.

6. At the time of site plan approval, the Developer shall contribute One Thousand Seven Hundred Twenty-Six Dollars and No Cents (\$1,726.00) per dwelling unit shown on the GDP to the Board of Supervisors. Said funds shall be utilized as determined by the Board of Supervisors for road improvements within the Centreville area that will benefit the residents of the immediate area. Said contribution amounts shall be adjusted by increases to the Construction Cost Index from the Engineering News Record from the date of Board of Supervisors' approval of this rezoning application, to the date of site plan approval.

7. Subject to VDOT and DPWES approval, the Developer will utilize the Old Centreville Road frontage for access for construction equipment/vehicles to the site. If this construction access point is approved by VDOT and DPWES, the Developer will use his best efforts to prevent construction traffic from using Spring Pond Road or Braddock Creek Road to access the site.

8. The Developer shall provide written notice to each homeowner prior to settlement that residents in the new community will not be eligible for membership in the Little Rocky Run Association nor will they be entitled to utilize the recreational and open space facilities of Little Rocky Run. This written notice shall also notify each homeowner that there will be a private street connection from the Subject Property to the Deerfield Ridge development as shown on the GDP and of HOA responsibility for maintenance of private streets. Prior to commencement of new home sales, the Developer shall provide a copy of its Homeowner Association documents to the Little Rocky Run Association.

9. Construction noise, audible offsite, shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday and between 9:00 p.m. and 8:00 a.m. on Saturdays, and between 9:00 p.m. and 9:00 a.m. on Sundays and federal holidays.

10. The Developer shall provide additional landscaping offsite as depicted on the GDP subject to receiving permission from Little Rocky Run Homeowner's Association. In the event that such permission is refused, the Developer shall provide written evidence of said refusal to DPWES. Said off-site landscaping shall be installed after site plan approval and before the commencement of on-site construction, weather permitting; otherwise, as soon thereafter as weather permits.

11. The on-site stormwater management pond shall be maintained as requested by the Public Facilities Manual. Nevertheless, the homeowners' association for the proposed development shall provide supplemental landscaping as approved by DPWES and shall maintain the aesthetic appearance of the stormwater management pond area by maintaining the landscaping and trimming the grass in this area on a regular basis, subject to receiving permission from DPWES. The Applicant shall work with DPWES at the time of site plan submission to determine if less land consumptive stormwater management alternatives than the proposed SWM facility are desirable or feasible for the subject property. If determined feasible, such facilities shall be implemented on the Subject Property in lieu of the pond shown on the GDP.

12. With reference to Centreville Road (Route 28), the Developer shall provide the following noise attenuation measures:

a. In order to achieve a maximum interior noise level of 45 dBA Ldn, the Developer proffers that all residential units impacted by highway noise having levels between 65 and 70 dBA Ldn, (up to 281 feet from centerline) shall have the following acoustical attributes:

(1) Exterior walls will have a laboratory sound transmission class of (STC) at least 28. If windows constitute more than

twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.

- (2) Doors and windows will have a laboratory sound transmission class of (STC) of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Adequate measures to seal and caulk between surfaces will be provided.
- b. In order to achieve a maximum interior noise level of 45 dBA, Ldn, the Developer proffers that all residential units impacted by highway noise levels between 70 and 75 dBA Ldn, (up to 210 feet from centerline) shall have the following acoustical attributes:
- (1) Exterior walls will have a laboratory sound transmission class (STC) of at least 45.
 - (2) Doors and windows will have a laboratory sound transmission class (STC) of at least 37. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Adequate measures to seal and caulk between surfaces will be provided.
- c. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fences, walls, earthen berms, or combinations thereof, shall be provided for patio areas unshielded by topography or built structures, as determined by DPWES.
- d. As an alternative to "a," "b," "c" above, the Developer may elect to have a refined acoustical analysis performed, subject to approval by DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

13. Developer shall construct a public 6 foot wide asphalt trail within the right-of-way along Old Centreville Road. The trail shall be field located to connect to the proposed trail along the Old Centreville Road frontage of the Deerfield Ridge development.

14. Prior to any construction activity on site, the Developer shall install temporary black chain link fencing along the northern perimeter of the site, which is adjacent to existing residential areas. This temporary black chain link fencing shall be removed upon completion of all construction activities on site.

15. At the time of site plan approval, or upon demand by Fairfax County, whichever occurs first, right-of-way along Old Centreville Road necessary for public street purposes and as shown on the GDP shall be dedicated and conveyed to the Board of Supervisors in fee simple.

16. Garages will be used only for purposes which will not interfere with intended purposes of the garages, which are the parking of vehicles and the location of certain utilities. A restrictive covenant to that effect, approved by the County Attorney, and running to the homeowner's association and Fairfax County, shall be recorded among the land records of Fairfax County in conjunction with or prior to the recordation of the Deed of Dedication and Subdivision.

17. The Applicant shall establish a homeowner's association for the proposed development to own, manage, and maintain the open space areas including any private streets, any recreational facilities and all other community-owned land and improvements.

18. The Developer shall obtain a Phase I Archaeological Survey of the Subject Property. Said survey shall be provided to the County Archaeologist within sixty days after rezoning of the Subject Property. After rezoning, the Developer will send written notification to the County Archaeologist granting authorization to conduct additional archaeological assessments, if necessary, and to remove artifacts of significance, provided no significant vegetation is disturbed, and provided said on-site activities do not interfere with the Developer's construction schedule or construction activities. The County Archaeologist will be granted sixty days from receipt of said written survey to complete on-site activities.

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

20. The single-family attached houses shall be constructed with architectural features generally conforming to the illustrative elevations as shown on Exhibit "A".

21. At time of site plan approval, the Developer shall contribute a sum of money which equals three hundred dollars per unit shown on the GDP as adjusted by increases to the Consumer Cost Index as published in the Engineering News Record from time of rezoning approval to the date of site plan approval to the Fairfax County Park Authority for improvements to Old Centreville Park.

22. At time of final site plan approval, the Developer shall contribute to the Fairfax County Housing Trust Fund the sum equal to 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 Developer in consultation with the Fairfax County Department of Housing and Community Development.

23. The Developer shall use best efforts to acquire a trail easement across the homeowner open space strip located to the north of the Subject Property (Tax Map 65-2 ((16)) U1) and if successful the Developer will provide pedestrian access to Old Centreville Road Park.

24. The Developer shall install a tot lot within the central open space area as shown on the GDP.

25. The Developer shall post speed limit signs within the development establishing a 15-miles per hour speed limit.

[SIGNATURES WILL BEGIN ON THE FOLLOWING PAGE]

Applicant:

EDGEMOORE HOMES, L.L.C.

By: Five Pillars, Inc.
Managing Member

By:

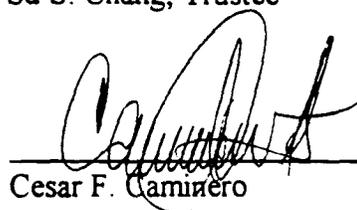


Al-Husain Y. Al-Hussain
President

Sumei Tseng

Fred F. M. Chang, Trustee

Su S. Chang, Trustee



Cesar F. Camizero

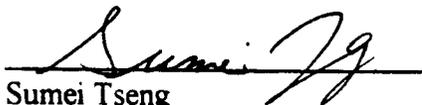
Applicant:

EDGEMOORE HOMES, L.L.C.

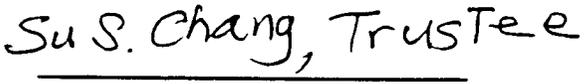
By: Five Pillars, Inc.
Managing Member

By: _____
Al-Husain Y. Al-Hussain
President

Owners of Tax Map Reference 54-4((1)) Parcel 79


Sumei Tseng


Fred F. M. Chang, Trustee


Su S. Chang, Trustee

Owner of Tax Map Reference 54-4((1)) Parcel 78

Cesar F. Caminero