

PROFFERS

ROCKLAND VILLAGE, L.C.

RZ 1998-SU-050

May 25, 1999

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, Rockland Village, L.C., their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 1998-SU-050, filed for property identified on Fairfax County Tax Map as 34-4 ((6)) Parcels 1-5, 25-29, 31-45, 50-59, 63-67; Tax Map 44-2 ((1)) Parcel 1; Tax Map 44-2 ((2)) Parcels 8-20, 22, 23 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the R-1 Zoning District to the PDH-20 Zoning District, and a Conceptual/Final Development Plan (CDP/FDP) for 99 single family attached units; 360 multi-family units, and 45 single family detached units is implemented.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN (CDP/FDP)

- a. Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP, prepared by Bowman Consulting Group, dated February 2, 1999 and revised through May 25, 1999. The CDP shall constitute the entire plan relative to the points of access, the total number and type of units, the general location of residential lots, common open space areas, peripheral yards, and landscaping.
- b. Final Development Plan Amendment. The Applicant shall have the option to request Final Development Plan Amendments (FDPA) from the Planning Commission for portions of the Plan in accordance with the provisions set forth in Sections 16-402 and 16-403 of the Zoning Ordinance. Pursuant to paragraph 4 of Section 16-403 of the Ordinance, the Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP, provided such modifications are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total gross floor area nor decrease the amount of open space, screening and distance to the periphery.

2. TRANSPORTATION

- a. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space and shall acknowledge receipt of this information in writing. The Applicant shall record a covenant setting the maintenance responsibility of the private streets and open space by the homeowners' association among the land records of Fairfax County. Each Deed of Conveyance shall expressly contain these disclosures.

- b. All of the private streets shall be constructed by the Applicant to pavement's thickness standards of public streets as set forth in the Public Facilities Manual, subject to DPWES approval.
- c. At the time of site plan approval or upon demand from VDOT or DPWES, whichever occurs first, the Applicant shall dedicate in fee simple to the Board right-of-way along the property's Walney Road frontage, as shown on the CDP/FDP. Prior to the issuance of the first RUP, the Applicant shall construct road improvements along the application property's Walney Road frontage as generally shown on the CDP/FDP.
- d. The Applicant shall install stop signs (three way) at the intersection of Elmwood Street and Dallas Street, subject to VDOT approval.
- e. The Applicant has applied for abandonment/vacation of those portions of Westmore and Dallas Streets as shown on the CDP/FDP. If abandoned, the applicant shall scarify existing pavement and improve the area as shown on the CDP/FDP. If the Board denies abandonment, the Applicant shall apply for and receive approval of a Proffered Condition Amendment/Final Development Plan amendment prior to construction of the multifamily sections as shown on the CDP/FDP.
- f. The Applicant will construct curb, gutter and sidewalk within the existing 50 foot right-of-way along both sides of Dallas Street as generally shown on the CDP/FDP. Similar frontage improvements to those sections of Dallas Street frontage properties not subject to RZ 1998-SU-050 (Lots 6, 7, 21, 24) will be made by the Applicant, subject to the provisions of necessary off-site easements, at no cost to the Applicant. The applicant shall use reasonable efforts to obtain necessary easements.
- g. The Applicant will construct curb, gutter, and sidewalk within the existing 50 foot right-of-way along both sides of Elmwood Street between Dallas and Westmore Streets. Similar Elmwood Street frontage improvements to Lot 21 (not subject to RZ 1998-SU-050) will be made by the Applicant, subject to the provisions of necessary off-site easements, at no cost to the Applicant. The Applicant shall use reasonable efforts to obtain necessary easements.
- h. Prior to the bond release on the final section of development of the Property, the Applicant shall escrow funds not to exceed \$100,000 for signalization at the intersection of Westmore Street (to be vacated) and Walney Road or at the intersection of Dallas Street and Walney Road as determined by VDOT. If the escrow funds are not used for a traffic signal within 24 months of its deposit with the County or if the Applicant submits a signal warrant analysis as approved by VDOT that determines that a signal is not warranted, then the escrow funds will be returned to the Applicant.

- i. Prior to issuance of the first RUP, the Applicant shall make modifications to the existing concrete island along Walney Road opposite Westmore Street (to be vacated) as approved by the Office of Transportation and DPWES.
- j. The Applicant shall construct a five-foot wide sidewalk connection on both sides of Westmore Street (to be vacated) from the sidewalk running along Walney Road to connect to the internal sidewalk system on the application property.
- k. The Applicant will construct curb, gutter and sidewalk within the existing right-of-way of the Vernon Street frontage of the application property (south side of the street only).

3. RECREATION

- a. The Applicant shall construct the following recreational improvements:

Within the Multi-Family Area

- A clubhouse and swimming pool near the main entrance of the development.
- A multi-use court adjacent to Vernon Street.
- A tot lot north of Westmore Street (to be abandoned/vacated).
- A play ground south of Westmore Street (to be abandoned/vacated).

Within the Single-Family Area

- A tot lot and multi-use court located in the open space to the east of Elmwood Street between Dallas and Westmore Streets (those portions to be abandoned/vacated).

- b. The value of the above contributions and improvements shall be documented as to satisfaction of paragraph 2 of Section 6-110 of the Zoning Ordinance, as determined by the Director, DPWES.
- c. Any monetary amount representing the difference between nine hundred fifty-five dollars (\$955.00) per unit and the value of the above referenced on-site recreational facilities shall be contributed to the Fairfax County Park Authority for recreational improvements in a nearby park.
- d. The clubhouse will be made available to all homeowners associations formed within the application property once a month (12 times maximum) for organizational meetings if requested.

4. ENVIRONMENTAL

- a. Prior to site plan approval, the Applicant shall submit an environmental assessment of existing structures to be removed and their estimated asbestos content to DPWES for review and approval. The Applicant shall utilize measures and techniques as recommended by study and DPWES, before, during and after demolition activities.
- b. All prospective purchasers of single family units and prospective tenants of multi-family units shall be notified in writing by the Applicant of the potential for noise emanating from aircraft using Dulles International Airport.
- c. In order to achieve the maximum interior noise level of 45 dBA Ldn, the Applicant proffers that all residential units impacted by highway noise having levels between 65 and 70 dBA Ldn (up to 275 feet from the center line of Walney Road) shall have the following acoustical attributes:
 - i. Exterior walls shall have a laboratory sound transmission class (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.
 - ii. Doors and windows will have a laboratory sound transmission class (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.
 - iii. Adequate measures to seal and caulk between surfaces will be provided.
- d. 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 open space areas unshielded by topography or built structures as determined by DPWES.
- e. As an alternative to the above, the Applicant 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 may have sufficient shielding to permit a reduction in the mitigation measures prescribed above or which may include alternative measures to mitigate noise impact on the site.
- f. Subject to the approval of DPWES, stormwater management for the western portion of the Application Property shall be accommodated in the adjacent regional facility. Prior to site plan approval, the Applicant shall provide documentation of the available capacity of that stormwater management facility. If it is determined that there is not sufficient capacity within the regional pond, on-site stormwater management will be provided which may require approval of a PCA and/or FDPA.

5. LANDSCAPING AND OPEN SPACE

- a. Street trees, peripheral and interior landscaping, and signage shall be provided by the Applicant generally as shown on the CDP/FDP. The exact location of the proposed planting may be modified as necessary for the installation of utilities. Landscaping and other improvements proposed for lots that are not currently within the Application Property or right of way will be subject to homeowner approval.
- b. Landscaping between the multi-family units and single family units will be provided as generally shown on the CDP/FDP landscape plan.
- c. Lots 6, 7, 21 and 24 (not included within the Application Property) will be screened from new single family development with fencing and landscaping as shown in Alternative 1 or 2 of the CDP/FDP, Sheet 11. The landscape materials to be incorporated into the buffer will be as indicated on the CDP/FDP landscape plan, but may be revised by the mutual consent of the Applicant and affected owner, such revisions to be submitted in writing to DPWES.
- d. Multi-family Buildings #1 and #3 will be positioned so as to provide a minimum of 50 feet between each building and the boundary line of Lot 30 (which is not included within the application property). Landscaping will be provided generally as shown on the CDP/FDP landscape plan.
- e. Street trees, and street lighting will be provided within the existing 50 foot right-of-way along Dallas and Elmwood Streets generally as shown on the CDP/FDP landscape plan. Similar frontage improvements to those sections of Dallas Street and Elmwood Street frontage properties not subject to RZ 1998-SU-050 (Lots 6, 7, 21, 24) will be made by the Applicant, subject to the provisions of necessary off-site easements, at no cost to the Applicant. The applicant shall use reasonable efforts to obtain necessary easements.
- f. A solid, wood fence will be constructed along the southern property line between the rear yards of single family detached units and industrially zoned property if none currently exists. Additional, intermittent landscaping will be provided as generally shown on the landscape plan.
- g. The lot line between multi-family Building #9 and Lot 49 will be buffered with the retention of existing mature trees where possible and supplemental evergreen vegetation. A six-foot high solid wooden fence will be constructed generally along the property line with modifications allowed where existing mature trees straddle the line.

6. BLASTING

If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors 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 Applicant or its successors shall:

- a. Retain a professional consultant to perform a preblast survey of each house or residential 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 if permitted by owner, to determine the pre-blast conditions of these structures. The Applicant'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 Applicant 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 Applicant shall cause his consultant to respond expeditiously by meeting at the site of the alleged damage to confer with the property owner. The Applicant 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.

7. ARCHITECTURE

All single-family detached, multi-family and single-family attached buildings shall be constructed with similar materials and be architecturally compatible, as generally shown on the illustrative drawings accompanying the CDP/FDP submission. Illustrative architectural renderings are provided to indicate the design intent of the proposed single family and multi-family units. Front elevations of units shall be generally consistent in terms of character and quality with illustration. Materials on the exterior of the units will consist of masonry (e.g. brick, stone, or EFIS), and/or siding. The specific features, such as, the exact location of windows, doors, shutters, number of stories, roof line, and other architectural details are subject to modification with final engineering and architectural design.

8. OTHER

- a. Should redevelopment of Lots 21 and 24 (not currently part of the Application Property) occur as residential use, the Applicant will allow interparcel access to the existing private street provided that measures are taken to insure that the owners of Lots 21 and 24 or their successors contribute to the maintenance of the private street on an equitable pro rata basis, as agreed by the Applicant or homeowners association and the owners of lots 21 and 24.
- b. The lot lines between the fire station and multi-family buildings #13 and #14 adjacent to it will be buffered, either with evergreens, fencing, or both, to be determined by the

applicant at the time of site plan approval after discussions with onsite fire station personnel.

- c. The applicant will investigate whether tree save areas can be identified and so preserved, subject to grading, utility easements, drainage considerations, building location and other proffer commitments.
- d. The Applicant will make every reasonable attempt to minimize the impact of the redevelopment of Rockland Village on the remaining homeowners by implementing the following construction management policies during construction:

Construction Activities

Access: All access to the redevelopment area will use the existing streets (Dallas, Westmore, Elmwood) in Rockland Village or a County approved construction road.

Parking: All worker and equipment parking will be within the redevelopment area. All contractors and subcontractors will be notified that no on street parking is permitted.

Clean-up: The development of Rockland Village will incorporate a wash rack and/or regular street washing by the contractor to maintain clean streets within the community. The contractor and subcontractors will also be required to survey the development site on a regular basis and to collect debris and trash in order to keep it from being blown onto the remaining residential properties.

Hours of

Operation: Contractors at Rockland Village will begin work no earlier than 7:00 a.m., Monday through Saturday and no earlier than 9:00 a.m. on Sunday and Federal holidays (should any work occur on that day).

Dust Control: Reasonable dust control practices, such as wetting of graded areas, will be implemented during times of drought conditions.

Blasting: See Proffer #6.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

Proffers
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Sherry A. Poling
Sherry A. Poling, Owner 44-2((2)) Parcel 12

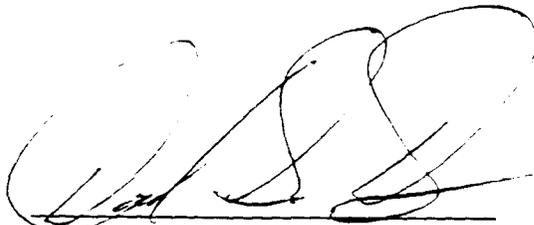


Ganess Maharaj, Owner 44-2 ((2)) Parcel 19

RZ 1998-SU-050

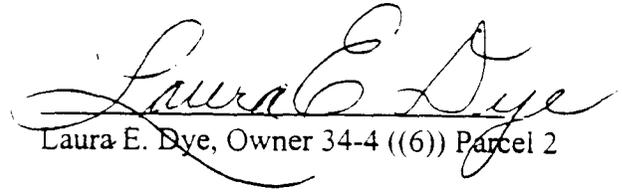
SIGNATURE PAGES MISNUMBERED

(Planner Greg Russ -(DPZ) stated he was aware of the misnumbered pages)

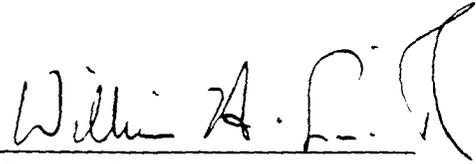
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David S. Dye, Owner 34-4 ((6)) Parcel 2

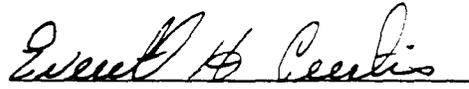
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Laura E. Dye, Owner 34-4 ((6)) Parcel 2

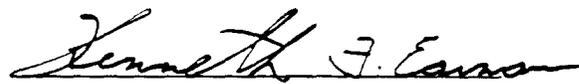
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A handwritten signature in cursive script, appearing to read "William H. Smith". The signature is written in black ink and is positioned above a horizontal line.

William H. Smith, Owner 34-4 ((6)) Parcel 2

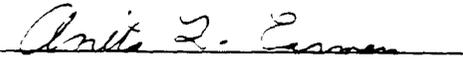
A handwritten signature in cursive script, reading "Everett H. Curtis", written in black ink on a white background.

Everett H. Curtis, Trustee for The Michael W. Curtis
and Deborah Sellars Trust, Owner 34-4 ((6)) Parcel 28

A handwritten signature in black ink, appearing to read "Kenneth F. Earman". The signature is written in a cursive style with a horizontal line underneath.

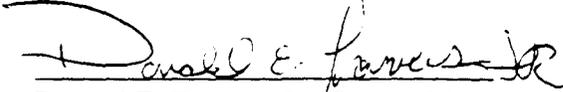
Kenneth F. Earman, Owner 34-4 ((6)) Parcel 2

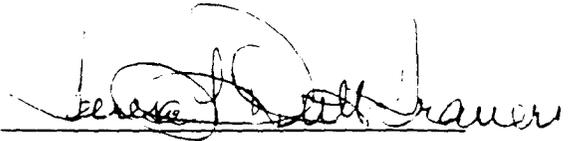
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Anita L. Earman, Owner 34-4 ((6)) Parcel 2

Ida Estelle Dodd

Ida Estelle Dodd, Owner 34-4 ((6)) Parcel 3


Donald E. Travers, Jr., Owner 34-4 ((6)) Parcel 4

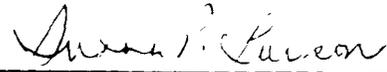
A handwritten signature in black ink, appearing to read "Teresa L. Duthie-Travers". The signature is written in a cursive style with a large, stylized initial "T".

Teresa L. Duthie-Travers, Owner 34-4 ((6)) Parcel 4

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Brian P. Larson

Brian P. Larson, Owner 34-4 ((6)) Parcel 5



Susan P. Larson

Susan P. Larson, Owner 34-4 ((6)) Parcel 5


Andrea C. Sallberg, Owner 44-2 ((2)) Parcel 8

TRIPLE CROSS, L.C.
Owner 34-4 ((6)) Parcels 25, 36, 51, 54

By: TRIPLE CROSS L.C.

Name: [Signature]

Its: MANAGER

A handwritten signature in cursive script, appearing to read "L. Sulser", written over a horizontal line.

Linda L. Sulser, Owner 34-4 ((6)) Parcel 29

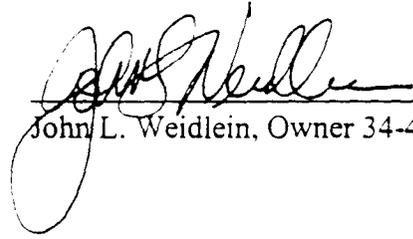
Proffers
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Edmund Zacharkevics. Owner 34-4 ((6)) Parcel 26



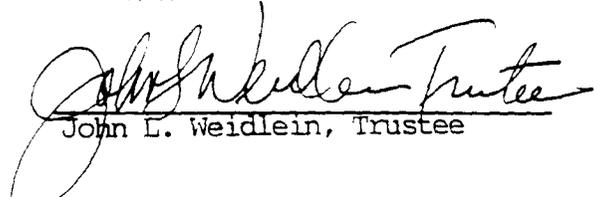
Helen M. Yates, Owner 34-4 ((6)) Parcel 52
By: William L. Griffith, Attorney-In-Fact

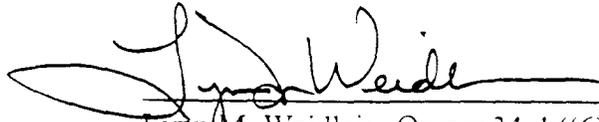
A handwritten signature in black ink, appearing to read "John L. Weidlein", written over a horizontal line.

John L. Weidlein, Owner 34-4 ((6)) Parcel 27

GRAND ISSUE TRUST
Owner 34-4 ((6)) Parcels 55, 56, 59, 63-66, inclusive

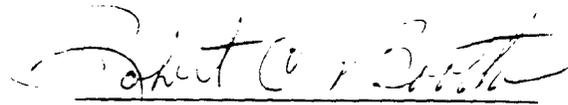
By:


John L. Weidlein, Trustee

A handwritten signature in black ink, appearing to read "Lynn Weidle". The signature is written in a cursive style with a large, sweeping initial "L" and a long horizontal stroke at the end.

Lynn M. Weidlein, Owner 34-4 ((6)) Parcel 27

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A handwritten signature in cursive script, appearing to read "Robert C. Boothe". The signature is written in black ink and is positioned above a horizontal line.

Robert C. Boothe, Owner 34-4 ((6)) Parcel 42

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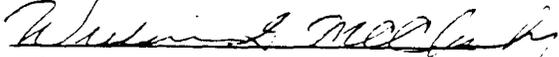


Ellis D. Sulser, Owner 34-4 ((6)) Parcel 29



D. Porter Hutchison, Owner 34-4 ((6)) Parcels 35 and 5
44-2 ((2)) Parcel 9

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William G. McClosky, Owner 34-4 ((6)) Parcel 31

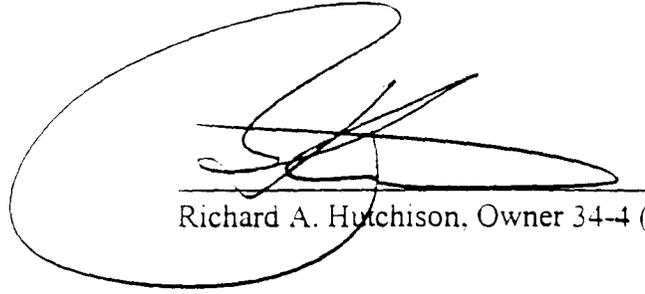

Linda L. McClosky, Owner 34-4 ((6)) Parcel 31

Semone D. Pender
By William G. Pender
Semone D. Pender, Owner 34-4 ((6)) Parcels 32 and 33
By: **William G. Pender, Attorney-In-Fact**
Attorney in Fact

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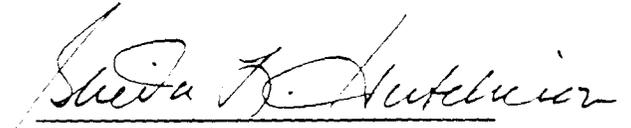


Jack Riner, Owner 44-2 ((2)) Parcel 20

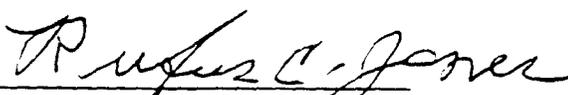
A large, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, is written over a horizontal line. The signature is partially enclosed by a large, hand-drawn oval on the left side.

Richard A. Hutchison, Owner 34-4 ((6)) Parcel 34

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A handwritten signature in cursive script, reading "Sheila L. Hutchison". The signature is written in black ink and is positioned above a horizontal line.

Sheila L. Hutchison, Owner 34-4 ((6)) Parcel 34



Rufus C. Jones, Owner 34-4(6) Parcels 37 and 38

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Eloise S. Jones
Eloise S. Jones, Owner 34-4 ((6)) Parcels 37 and 38



Arthur T. Knott. Owner 34-4 ((6)) Parcel 41

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Carol J. Knott

Carol J. Knott. Owner 34-4 ((6)) Parcel 41

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Willie C. Boothe

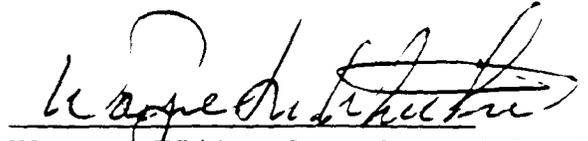
Willie C. Boothe, Owner 34-4 ((6)) Parcel 42

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GRAND ISSUE TRUST

Owner 34-4 ((6)) Parcels 55, 56, 59, 63-66, inclusive

By: Patricia M. Bradford Trust
Patricia M. Bradford, Trustee

A handwritten signature in black ink, appearing to read "Wayne M. Whitlow". The signature is written in a cursive style with a large, looping initial "W".

Wayne M. Whitlow, Owner 34-4 ((6)) Parcels 43
44-2 ((2)) Parcels 13-18, inclusive; 44-2 ((1)) Parcel 1

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A handwritten signature in black ink, appearing to read "Charles E. Curtis". The signature is written in a cursive style with a horizontal line underneath it.

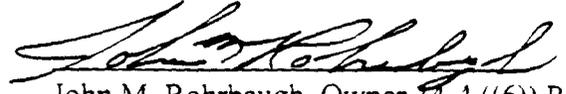
Charles E. Curtis, Owner 34-4 ((6)) Parcel 28

GRAND ISSUE TRUST
Owner 34-4 ((6)) Parcels 55, 56, 59, 63-66, inclusive

By: 
William R. Bernard, Trustee



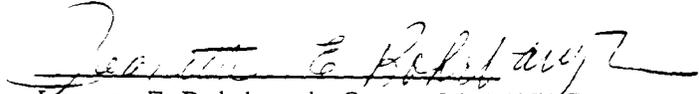
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John M. Rohrbaugh, Owner 34-4 ((6)) Parcel 58

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Barbara R. Cross, Trustee for James Byrne Cross Marital T
Owner 34-4 ((6)) Parcel 53


Jeanette E. Rohrbaugh, Owner 34-4 ((6)) Parcel 58

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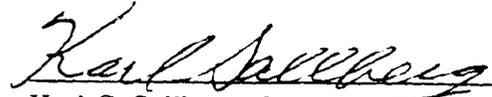

Jeanette E. Rohrbaugh, Owner 34-4 ((6)) Parcel 58

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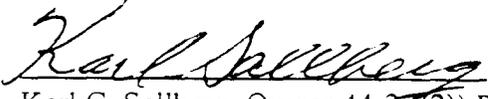
Helen P. Oberg
Helen P. Oberg, Owner of 4-4 ((6)) Parcel 67

Helen P. Oberg
Helen P. Oberg, Owner 34-4 ((6)) Parcel 67

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Karl C. Sallberg, Owner 44-~~2~~(2) Parcel 8



Karl C. Sallberg, Owner 44-~~2~~((2)) Parcel 8

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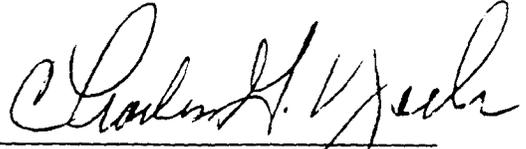
Freddy Fayne Maxwell

Freddy Fayne Maxwell, Owner 44-2 ((2)) Parcel 10

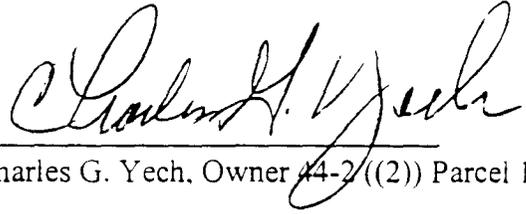
Freddy Fayne Maxwell

Freddy Fayne Maxwell, Owner 44-2 ((2)) Parcel 10

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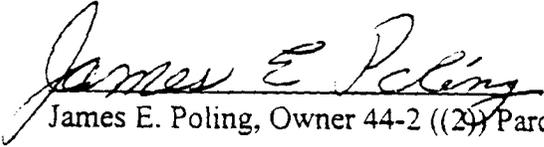
Charles G. Yech, Owner 44-2((2)) Parcel 11

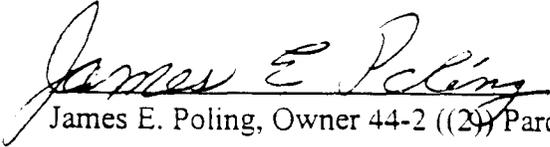


Charles G. Yech

Charles G. Yech, Owner 44-2((2)) Parcel 11

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James E. Poling, Owner 44-2 ((2)) Parcel 12


James E. Poling, Owner 44-2 ((2)) Parcel 12

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Dolley F. Riner
Dolley F. Riner, Owner 44-2 ((2)) Parcel 20

Dolley J. Riner
Dolley J. Riner, Owner 44-2 ((2)) Parcel 20

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Theodore P. Presgrave
Theodore Davis Presgrave, Owner 44-2 ((2)) Parcel 2.

Theodore P. Presgrave

Theodore Davis Presgrave. Owner 44-2 ((2)) Parcel 2.

