

PROFFERS

SENECA PLACE

PCA 94-D-040

March 15, 1999

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950 as amended, Tectum, L.L.C., hereinafter referred to as the Applicant for the owners, themselves, successors and assigns in PCA 94-D-040, filed for property identified as Tax Map 6-4 ((1)) 60B, hereinafter referred to as the application property ("Application Property"), proffers the following, that the development of the Application Property shall be subject to the approved proffers dated December 1, 1994 as they pertain to the Application Property, which will remain in full force and effect, except as amended as follows:

1. Amend Proffer 1 to read as follows:

Development Plan.

- A. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, the Application Property shall be developed in conformance with the Generalized Development Plan Amendment (GDPA) prepared by VIKA, Inc. dated January 25, 1999, as further modified by these proffer conditions. However, minor modifications may be permitted by the Department of Public Works and Environmental Services when necessitated by sound engineering practices or other minor modifications which may become necessary as part of final engineering design in accordance with the Zoning Ordinance.

2. Add new Proffer 19.

Patio.

The Applicant commits to the following limitations regarding the proposed patio which is accessory to an eating establishment:

1. There shall be a maximum of 32 seats. The patio shall be closed at 10:00 p.m. on Sundays-Thursdays and 11:30 p.m. on Friday-Saturdays, holidays and evenings preceding a holiday. The 10:00 p.m. closing time for Sundays-Thursdays may be extended if mutually agreed upon between the Applicant and the Seneca Gate Homeowners Association.
2. Lighting for the proposed patio will consist of low level landscape lighting not to

exceed four (4) feet in height and lighting on the tables.

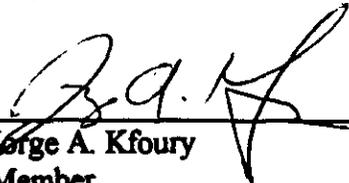
3. There shall be no waiter/waitress stations, bar, music, audio/visual equipment, happy hours, amusements, contests or similar activities provided outside on the patio. Furthermore, any music or audio/visual equipment which may be provided within the eating establishment shall not be heard outside on the patio. Alcoholic beverages and food may be served on the patio.
4. The Applicant shall comply with the noise standards set forth in the Zoning Ordinance.
5. The Applicant shall attend meeting(s) with the Seneca Gate Homeowners Association on a reasonable as-needed basis in order to address any concerns that the homeowners association may have with regard to the patio and its use or appearance. The Applicant shall make best efforts to affirmatively respond to any reasonable concerns expressed by the Homeowners Association.
6. In order to mitigate any noise associated with the patio, the Applicant shall modify the portion of the existing wood fence in the area of the patio in order to make it solid and seven (7) feet in height on the side of the fence which faces the adjacent single family homes.
7. Any umbrellas which are to be provided on the patio shall be of a color mutually acceptable to the Applicant and the Seneca Gate Homeowners Association.
8. The proposed patio shall be accessory to the existing eating establishment and any future eating establishment shall be reasonably similar in character to the existing eating establishment, i.e., individual menus, non-disposable plates/eating utensils etc...
9. Prior to the opening of the patio, the Applicant shall coordinate with the Urban Forester Branch of the Department of Public Works and Environmental Services (DPWES) and one (1) representative of the Seneca Gate Homeowners Association in order to provide supplemental planting, if necessary, within the existing 35-foot transitional screen yard to provide effective year round screening for the adjacent single family residences.

The Applicant shall be responsible for the maintenance, repair and replacement of the landscaping within the existing 35-foot transitional screen yard. The landscaping shall be tended and maintained in a healthy condition and replaced when necessary with similar landscape material.

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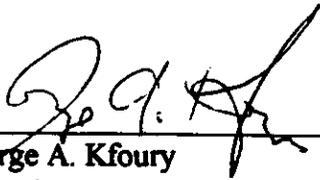
[SIGNATURES ON FOLLOWING PAGE]

APPLICANT/TITLE OWNER
TECTUM, L.L.C.

By: 
Jorge A. Kfoury
Its: Member

[SIGNATURES ON FOLLOWING PAGE]

TITLE OWNER
SUMMA LLC

By: 
Jorge A. Kfoury
Its: Member

(SIGNATURES END)