

## PROFFERS

RZ 1998-LE-074

May 1, 2000

Pursuant to Section 15.2-2303 (A) Code of Virginia, 1950 as amended. Archstone Communities Trust, their successors and assigns, and the Property owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 1998-LE-074, filed for property identified on Fairfax County Tax Map as 81-2 ((1)) 12 and 12A; 81-2 ((8)) 1 and 8A (hereinafter referred to as the "Application Property"), agree 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 District to the PDH-16 District, in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for 296 multi-family units:

### 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, Ltd. dated March 1, 2000. The CDP/FDP shall constitute the entire plan relative to the points of access, the total number of units, the general location of buildings, common open space areas, landscaping, and setbacks.
- 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 Zoning 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 number of units nor decrease the amount of open space or increase limits of clearing and grading.
- c. The illustrative architectural rendering as shown on Exhibit A attached hereto is provided to illustrate the design intent of the proposed multi-family units. The building elevations shall be generally consistent in terms of character and quality with the illustration, and the materials on the exterior of the units will consist of a mix of either brick or cultured stone and siding. The specific features, such as, the exact location of windows, doors, shutters and roof line, and other architectural details are subject to modification with final engineering and architectural design.
- d. Residential buildings shall have a maximum building height of 4 stories (65 feet).
- e. The maximum height of any one retaining wall shall not exceed 10 feet in height.

- f. All parking lot and walkway lighting shall be designed with full cut-off shielding and shall meet the performance standards for glare and Article 14 of the Ordinance.

## 2. TRANSPORTATION

- a. At the time of site plan approval or upon demand from the Virginia Department of Transportation (VDOT) or the Department of Public Works and Environmental Services (DPWES), whichever occurs first, the Applicant shall dedicate in fee simple to the Board right-of-way for the future I-95/I-495 improvements as shown on the CDP/FDP.
- b. Prior to the issuance of the 75th Residential Use Permit (RUP), the Applicant shall extend and construct a full roadway section to public street standards of Crown Royal Drive to the southern property line of the Application Property as shown on the CDP/FDP. The Applicant shall remove pavement, curb, gutter and sidewalk on the eastern side of Crown Royal Drive on the eastern portion of the temporary cul-de-sac and construct a commercial entrance, including curb, gutter and sidewalk along the eastern side of Crown Royal Drive into the adjacent residential development.
- c. The Applicant shall provide necessary public emergency vehicle access easements and key access to Fire & Rescue within the oval entrance area as shown on the CDP/FDP in order to provide emergency access through the entry gates.
- d.
  - 1. At the time of site plan approval, Applicant shall contribute \$80,000 to Fairfax County for transportation improvements for a separate right turn lane off the I-95 ramp onto South Van Dorn Street to include:
    - a. Relocation and/or reconstruction of existing concrete ditch.
    - b. Relocation of guy wires for existing utility pole.
    - c. Relocation of traffic signal mast and controller.
    - d. Reconstruction of existing curve radius on exit ramp to southbound Van Dorn Street.
    - e. Construct new southbound merge lane on southbound Van Dorn Street.
    - f. Provide required pavement markings and/or signs.

2. Within ten (10) days of site plan acceptance by Fairfax County, the Applicant shall contribute \$20,000 to Fairfax County for engineering studies and site plans for the above-referenced right turn lane improvements.
- e. The existing entrance to the Application Property along South Van Dorn Street may be used as a construction entrance, subject to VDOT approval, but it shall be closed upon completion of construction activity.

### 3. RECREATION

- a. The Applicant shall construct the following recreational improvements:
  - A clubhouse and swimming pool near the main entrance of the development, as generally shown on the CDP/FDP.
  - The clubhouse shall have a variety of the following exercise equipment or their equivalent:
    - Elliptical Trainer
    - Stairmaster
    - Life Cycles
    - Nautilus Weights
    - Treadmills
- b. Prior to the issuance of the last RUP, the Applicant shall dedicate and convey in fee simple to the Board the rectangular open space area in the eastern portion of the site, as shown on the CDP/FDP for public active recreation. The Applicant shall grade and seed the area and construct a landscaped tot lot prior to the conveyance. The Applicant shall construct berms and/or fencing between the recreation area and South Van Dorn Street in order to protect the safety of park user's and to mitigate noise levels. The 57 space parking lot adjacent to the playing field, as shown on the CDP/FDP shall be constructed prior to the issuance of the last RUP and subject to a public use easement.
- c. Any lighting of the playing fields shall be strictly prohibited.
- d. The value of the contributions listed in Par. 3a. and b. above in improvements shall be documented as to satisfaction of Paragraph 2 of Section 6-110 of the Zoning Ordinance, as determined by the Director, DPWES.

#### 4. ENVIRONMENTAL

- a. At time of site plan submission, the Applicant shall submit a geotechnical report for review by the Geotechnical Review Board and approval by Fairfax County Special Projects Branch and implement such measures as determined by the approved geotechnical report. Minor adjustments in lot lines/building footprint locations, open space areas and other improvements shall be permitted, if required, as part of the geotechnical review and/or final site plan approval by Fairfax County of the proposed development. Despite the note on the CDP/FDP, under all circumstances, except as necessitated by Paragraph 7.d. below, there shall be no adjustments to the limits of clearing and grading.
  
- b. In order to achieve the maximum interior noise level of approximately 45 dBA Ldn, the Applicant proffers that all residential units impacted by highway noise having levels between 65 and 70 dBA Ldn (contours as shown on Sheet 5 of the CDP/FDP) shall have the following acoustical attributes:
  - Exterior walls shall have a laboratory sound transmission class (STC) of at least 39. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls.
  - Doors and windows shall have a laboratory sound transmission class (STC) of at least 28. If glazing constitutes more than 20% of any facade, they shall have the same laboratory STC rating as walls.
  - Adequate measures to seal and caulk between surfaces will be provided.
  
- 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 70 and 75 dBA Ldn (contours as shown on Sheet 5 of the CDP/FDP hereto) shall have the following acoustical attributes:
  - Exterior walls shall have a laboratory sound transmission class (STC) of at least 45. If glazing constitutes more than 20% of any facade, they shall have the same laboratory STC rating as walls.
  - Doors and windows shall have a laboratory sound transmission class (STC) of at least 37. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls.
  - Adequate measures to seal and caulk between surfaces will be provided.

- d. Any facades of the building(s) which are exposed to highway noise having levels between 65 and 70 dBA Ldn shall have the acoustical attributes described in paragraph 4.b. above.
- e. As an alternative to the above, the Applicant may elect to have a refined acoustical analysis performed subject to approval by DPWES, in coordination with Environmental and Development Review Branch. DPZ, to verify or amend the noise levels and impact areas as set forth above, and/or to determine which units may have sufficient shieldings to permit a reduction in the mitigation measures prescribed above or which may include alternative measures to mitigate noise impact on the site.
- f. SWM shall be provided in accordance with PFM requirements as follows:

**Option #1:** Applicant shall request and seek to obtain approval from Fairfax County of full waivers of SWM quality and quantity. If these waivers are not granted then Applicant shall exercise Option #2.

**Option #2:** Applicant shall construct improvements to the existing SWM facility located on the adjacent parcel (Tax Map 81-2 ((11))C) owned by the Fairfax County Board. The improvements shall expand the existing facility to accommodate current, best management practices (BMP) requirements in conjunction with Applicant obtaining a full waiver of SWM quantity. If the existing bond for the pond has not been released at the time of approval of this rezoning application, then Applicant shall exercise Option #3.

**Option #3:** Applicant shall provide an underground sand filter system or systems to address the BMP requirements for SWM quality in conjunction with Applicant obtaining a partial waiver of SWM quality and obtaining a full waiver of SWM quantity. Applicant shall be required to notify in writing all potential purchasers of units (not applicable if rental community) of the Homeowners Association's responsibility of maintenance of this underground facility. If this option is not permitted due to inability to obtain county approval of waivers or the sand filter system, then Applicant shall exercise Option #4.

**Option #4:** If a waiver of the SWM quantity control requirement is not granted and/or Option #4 is pursued, and if the provision of an on-site stormwater management and/or BMP facility would result in additional clearing & grading of land beyond that on the development plan, a PCA will be submitted to Fairfax County for approval by the Board.

- g. Prior to the issuance of the 1st RUP, the Applicant shall remove and dispose of all debris including tires, oil drums, aboveground storage tanks, auto parts and appliances that have been left on the Application Property. The Applicant shall

notify construction personnel that if construction personnel see evidence of contamination, work will halt immediately pending review by Fire & Rescue.

**5. LANDSCAPING AND OPEN SPACE**

- a. Street trees, peripheral and interior landscaping shall be provided by the Applicant generally as shown on the CDP/FDP. The exact location of the proposed plantings may be modified as necessary by the Urban Forester, DPWES for the installation of necessary utilities.
- b. In the event more than one retaining wall is required in any location along the southern property line creating a tiered wall design, the areas between walls shall be landscaped, as approved by DPWES.

**6. PARK DEDICATION**

- a. At time of site plan approval, the Applicant shall dedicate and convey in fee simple to the Board for park purposes the open space area as shown on the CDP/FDP.
- b. The southern open space area shall be subject to a conservation easement which allows the installation of necessary utilities and/or stormwater management Option #2 as outlined in Paragraph 4.f. as approved by DPWES.

**7. TREE SAVE AND PRESERVATION**

- a. The Applicant shall contract with a certified arborist or landscape architect to prepare a tree preservation plan along the limits of clearing and grading line as shown on the CDP/FDP for the Application Property to be submitted as part of the first site plan submittal. The tree preservation plan shall, inter alia, show individual trees to be preserved, the limits of clearing, and the easements, all as indicated on the CDP/FDP, and shall be reviewed and approved by the Urban Forestry Branch. The tree preservation plan shall consist of a tree inventory which includes the location, species, size crown spread and condition rating of all trees 12 inches or greater in diameter, measured 4½ feet from the ground, within 20 feet on either side of the limits of clearing and grading shown on the CDP/FDP. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

- b. All trees shown to be preserved on the tree preservation plan shall be protected and preserved at all times during construction. Tree protection shall be in accordance with PFM Section 12-0802.2 standards.

The tree protection shall be made clearly visible to all construction personnel. The tree protection shall be installed prior to the performance of any clearing and grading activities on the site, including the demolition of any existing structures.

- c. The demolition of existing features and structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved. These methods are to be included in the tree preservation plan.

- d. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the preconstruction meeting. Before or during the preconstruction meeting, the Applicant and the Applicant's certified arborist or landscape architect shall walk (the "walk-through") the limits of clearing and grading and verify conformance with the approved tree preservation plan with an Urban Forestry Branch representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees as identified by the Urban Forestry Branch representative that are not likely to survive construction due to their proximity to disturbance will also be identified at this time and marked with an "X" painted on said trees and the Applicant be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading and within the tree preservation area shall be removed using chain saws. The stump shall be cut as close to ground in a manner causing as little disturbance as possible to the tree preservation area.

- e. The Applicant shall provide a transplanting plan provided by the Applicant's certified arborist or landscape architect and submitted as part of the tree preservation plan. The transplanting plan shall include:

- (i) The existing location of the plants to be transplanted;
- (ii) An assessment of the condition and survival potential of the plants;
- (iii) The proposed transplant locations;
- (iv) The timing of transplanting and the development process;
- (v) The proposed time of year of the transplanting;
- (vi) The transplant methods to be used, including tree, spade, size if one is used;

- (vii) Relocation, site preparation;
  - (viii) Initial care after transplanting, including mulching and watering specifications; and
  - (ix) Long term care during the development process, including tree protection, fencing and watering schedule.
- f. The cleared area within the limits of clearing and grading for the storm and sanitary sewer lines in the western portion of the site, as shown on the CDP/FDP shall be stabilized with a woody seed mix.

## 8. TRANSPORTATION SYSTEM MANAGEMENT (TSM)

- a. The Applicant shall provide shuttle bus service to and from the Application Property and the Van Dorn Street Metro station at least once per hour during morning and afternoon peak hours ( 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m.) for a period of 5 years from the date of Residential Use Permit issuance for 50 units within the development, but no later than 1 year from the issuance of the first RUP. There shall be a minimum of 8 passenger seats in the shuttle bus.
- b. The Applicant shall notify all tenants in writing of this program and provide the bus schedules of the public bus system which runs to and from the Crown Royal Drive bus shelter to the Van Dorn Metro Station.

## 9. SWIMMING POOL DISCHARGE

The discharge process for the swimming pool on-site shall conform with the following guidelines.

- All waste water resulting from the cleaning and draining of the pool shall meet the appropriate level of water quality prior to discharge. The Applicant will follow procedures established to ensure that pool water is properly neutralized prior to being discharged during draining or cleaning operations. The recommended method involves adding sufficient amounts of lime or soda ash to the acid cleaning solution to achieve a pH approximately equal to that of the receiving stream. Virginia water quality standards require pH of discharges into most receiving waters to fall between 6.0 and 9.0 In addition, the standard for dissolved oxygen shall be attained prior to the release of pool water. This requires a minimum concentration of 4.0 milligrams per liter.

- If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it will be allowed to stand so that most of the solids settle out prior to being discharged.
- In order to ensure that high levels of chlorine are not discharged into the surface water system, pool water shall not be chlorinated prior to backwashing and/or discharge.

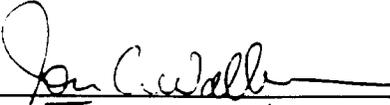
**10. MARKETING SIGN**

A sign in conformance with Article 12 of the Zoning Ordinance Standards may be installed in the general location as shown on Exhibit B.

APPLICANT/CONTRACT PURCHASER OF

Tax Maps 81-2 ((1)) Parcels 12 and 12A  
81-2 ((8)) Parcels 1 and 8A

ARCHSTONE COMMUNITIES TRUST

By:   
Name: Jon C. Wallenstrom  
Title: Vice President

[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers/RZ 1998-LE-074

THE DOVE FAMILY LAND TRUST

TITLE OWNER OF

Tax Maps 81-2 ((1)) Parcels 12 and 12A

81-2 ((8)) Parcels 1 and 8A

Herbert Dove Trustee  
HERBERT DOVE, TRUSTEE

Lester V Dove Sr Trustee  
LESTER V. DOVE, SR., TRUSTEE

[END OF SIGNATURES]

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NEW YORK ARCHITECTURE  
ARCHITECTURE  
ARCHITECTURE

EXHIBIT A

