

PROFFERS

METRO PLACE

PCA 84-P-129-5

February 2, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 edition as amended, Jade Dunn Loring Metro, L.L.C., the "Applicant" in PCA 84-P-129-5 filed for property identified as Tax Map 49-2 ((37)) C1, D2, E, and F1 (hereinafter referred to as the "Application Property"), for itself, its successors and assigns, reaffirms the previous proffers for PCA 84-P-129-2 dated May 3, 1989, previous proffers for PCA 84-P-129-3 dated July 13, 1990, and previous proffers for PCA 84-P-129-4 dated February 6, 1997 which shall remain in full force and effect, except as specifically amended herein.

1. **Revise Proffer 1 in Proffers dated February 6, 1997 as follows:**

Development of Parcels C1, D2 E, and F1 shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA") prepared by Greenhorne and O'Mara consisting of 5 sheets, dated June 1998, and revised through January 7, 1999. It shall be understood that the CDPA affecting Parcels C1, D2, E and F1 shall be the entire plan relative to the points of access, the total number and types of units, amount and general location of the open space, and distances to peripheral lot lines. The Applicant has the option to request a Final Development Plan Amendment ("FDPA") for elements other than CDPA elements from the Planning Commission for all of or a portion of the CDPA/FDPA affecting Parcels C1, D2, E and F1 in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDPA and proffers.

Development of Parcels G1 and H1 shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA"), prepared by Dewberry & Davis consisting of four (4) sheets, dated June 20, 1996, and revised through January 2, 1997. The Applicants reserve the right to pursue development of Parcels F1 and G1 under the previously approved CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

2. **Retained. (See Proffers dated May 3, 1989).**
3. **Retained (See Proffers dated February 6, 1997).**
4. **Retained. (See Proffers dated May 3, 1989).**

5. Revise Proffer 5 of Proffers dated February 6, 1997 as follows:

The Applicants shall provide landscaping on Parcels C1, D2, F1, G1 and H1 in substantial conformance with the landscaping shown on the respective CDPAs/FDPAs which indicate high quality site and architectural design, streetscape, urban design, and development amenities. Landscaping shall be reviewed and approved by the Urban Forestry Branch of the Department of Public Works and Environmental Services (DPWES).

6. Retained. (See Proffers dated May 3, 1989).

7. Retained. (See Proffers dated May 3, 1989).

8. Replace Proffer 8 of Proffers dated February 6, 1997 as follows:

The Developer of Parcels F1 and G1 shall offer two (2) one-bedroom units to the Fairfax County Housing Authority ("Authority") upon commencement of construction of the buildings within which those units are located. Selection of those units shall be made in the sole discretion of the Developer. Said offer, or offers if construction is commenced on the buildings in which the units are located at different times, shall be in writing and the Authority shall have ninety (90) days to accept the said offer or offers in writing. The sales price of each unit shall be \$65,000, or reflect a discount of \$35,000 from the market rate sales price of that unit at Metro Place, whichever is lower. Each such unit shall provide all standard items which are offered in the market rate units. The Authority must purchase each of the units offered within thirty (30) days of the issuance of the Residential Use Permit for that unit, but no sooner than one hundred twenty (120) days from the date of the offer of the unit to the Authority. It is hereby understood that any and all owners of those two (2) units shall have all of the responsibilities required of other condominium owners at Metro Place. In the event that the Authority does not provide timely acceptance or purchase as set forth above, the Developer of Parcel F1 and G1 shall have no further obligations under this proffer.

In addition to the two (2) units to be offered to the Authority as described in the above paragraph, the Applicant shall provide affordable dwelling units on the Application Property in accordance with Section 2-800 of the Fairfax County Zoning Ordinance. This commitment to provide these two (2) affordable dwelling units shall remain regardless of any potential future amendment to the ADU Ordinance or any statement on the CDPA/FDPA to the contrary.

9. Retained (See Proffer 9 of Proffers dated February 6, 1997).

10. Retained (See Proffer 9 of Proffers dated February 6, 1997)

11. Revise Proffer 11 of Proffers dated February 6, 1997 as follows.

Height of the residential buildings for Parcels C1, D2, D, E, F1 and G1 shall be in accordance with the building heights as shown on the respective CDPAs/FDPAs. Height of the buildings on Parcels A and B shall be in accordance with the building heights as shown on the CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

12. Retained. (See Proffers dated May 3, 1989).

13. Retained. (See Proffers dated May 3, 1989).

14. a. Retained. (See Proffers dated May 3, 1989).
b. Retained (See proffers dated February 6, 1997)
c. Retained. (See Proffers dated May 3, 1989).

15. Retained. (See Proffers dated May 3, 1989).

16. Deleted by Proffers dated February 6, 1997.

17. Retained. (See Proffers dated May 3, 1989).

18. Deleted by Proffers dated February 6, 1997.

19. Deleted by Proffers dated February 6, 1997.

20. Replace Proffer 20 dated May 3, 1989 as follows:

The Applicant agrees to expend at least \$955.00 per unit for each unit on Parcels C1, D2, E and F1, and at least \$300.00 for each unit on Parcel G1, for developed recreational amenities on site, including the cost of a swimming pool complex and community center.

21. Retained. (See Proffers dated May 3, 1989). (This improvement has been completed.)

22. Retained. (See Proffers dated February 6, 1997).

23. Revise Proffer 23 dated May 3, 1993 as follows:

The residential buildings shall be conceptually as shown on the elevations provided on sheet 3, 4, and 4A of the CDPA/FDPA. The elevations are illustrative only and are presented to

illustrate the general character and architectural theme of the proposed buildings. The elevations may be refined and are subject to modifications at time of final engineering and design.

The rear elevations of the multi-family residential buildings adjacent to the Merrifield Village Apartments shall be consistent in building materials and design with the front elevations of said buildings, provided, however, that specific design details may vary.

24. Retained. (See Proffers dated May 3, 1989).
25. Retained. (See Proffers dated May 3, 1989).
26. Retained. (See Proffers dated May 3, 1989).
27. Replace Proffer 27 dated February 6, 1997 as follows:

As shown on the CDPA/FDPA, the Applicant shall provide on-site pedestrian access from the east between Parcels C1 and D2 and through Parcel E.

The Applicant shall construct a sidewalk along the western side of the entrance road between Parcels E and F1. The Applicant shall provide a crosswalk linking this sidewalk with the sidewalk south of the rear loaded units on Parcel E.

28. Replace Proffer 28 dated May 3, 1989 as follows: The Applicant shall enclose any trash containers along the southern and eastern property lines with landscaping and six (6) foot high screening fences or walls.
29. Retained. (See Proffers dated May 3, 1989).
30. Retained. (See Proffers dated May 3, 1989).
31. Retained. (See Proffers dated May 3, 1989 and February 6, 1997).
32. Retained (See Proffers Dated February 6, 1997).
33. Retained (See Proffers Dated February 6, 1997).
34. New Proffer:
Prospective purchasers of the residential units on Parcels C1, D2, and E shall be notified in writing that the I-495 / I-66 interchange may be subject to future expansion and redesign.

PROFFERS
PCA 84-P-129-5

APPLICANT/TITLE OWNER OF
TAX MAP 49-2 ((37)) C1, D2, E

JADE DUNN LORING METRO, L.L.C.



By: Jon D. Luria
Its: Managing Member

TITLE OWNER OF TAX MAP 49-2 ((37)) F1

JADE WFW L.L.C.



By: Jon D. Luria
Its: Managing Member

(SIGNATURES CONTINUE ON NEXT PAGE)

PROFFERS
PCA 84-P-129-5

CONTRACT PURCHASER OF
TAX MAP 49-2 ((37)) D2, E

NVR, INC.

A handwritten signature in black ink, appearing to read "Paul K. Mock", is written over a solid horizontal line.

By: Paul K. Mock
Its: Division Manager/Vice President

(SIGNATURES END)