

PROFFERS

RZ/FDP 1999-MA-006

September 29, 1999

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950 as amended, The Ryland Group, Inc., their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 1999-MA-006, filed for property identified on Fairfax County tax map as 72-2 ((1)) Parcel 44B (hereinafter referred to the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the C-4 Zoning District to the PDH-12 Zoning District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for 45 single-family attached dwelling 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 "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP, prepared by Dewberry & Davis, dated September 28, 1999. The CDP shall constitute the entire plan relative to the points of access, total number of units, the general location of residential lots, amount and location of common open space areas, 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 provisions set forth in Section 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 CDP/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.
- c. The illustrative architectural renderings as shown on the CDP/FDP are provided to illustrate the design intent of the proposed single-family attached units. The front elevations of the units depicted 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 masonry, brick, stone or siding. The specific features, such as, the exact location of windows, doors, shutters, number of stories and roof line and other architectural details are subject to modification with final engineering and architectural design.

2. TRANSPORTATION -

- a. Prior to entering into a contract of sale, prospective purchasers of the single-family attached units shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space surrounding the single-family

attached units 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 Homeowner Association (HOA) 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 thickness standards of public streets as set forth in the Public Facilities Manual, subject to approval by the Department of Public Works and Environmental Services (DPWES).
- c. At the time of site plan approval or upon demand from the Virginia Department of Transportation (VDOT) or DPWES whichever occurs first, the Applicant shall dedicate and convey to the Board a 15-foot wide temporary construction easement along the Application Property's North Chambliss Street frontage.
- d. The Applicant shall install street lights along the interior street system as shown on the CDP/FDP.
- e. The Applicant shall construct a right-turn deceleration lane along the Application Property's North Chambliss Street frontage into the development's entrance.
- f. At time of site plan approval, the Applicant shall record among the land records of Fairfax County Virginia in a form as approved by the County Attorney a public access easement at the interparcel connection along the Property's northern property line connecting to the Lincolnia Senior Center.
- g. Prior to entering into a contract of sale, prospective purchasers of the single-family attached units shall be notified in writing by the Applicant of the potential closure of the southern entrance onto Beauregard Street and the relocation of a site entrance to the northern site frontage on Chambliss Street at such time that an interchange is constructed at Beauregard Street. The Applicant shall only be required to dedicate and convey ingress/egress and temporary construction easement at these two locations and shall not be required to escrow the funds for the closure and opening of these entrances.
- h. Prior to the issuance of the 20th RUP, the Applicant shall construct travel lane and parking lot improvements on the Lincolnia Senior Center property as shown on the CDP/FDP in order to provide interparcel access to the application property from North Chambliss Street. In the event these improvements require zoning approval by the Board of Supervisors on the Lincolnia Senior Center property and the Board denies an application for such zoning approval and/or the necessary ingress/egress and temporary construction easements are not dedicated by the Board at no cost to the Applicant, then the travel aisle and parking improvements shall not be required and the Applicant will utilize the existing ingress/egress easement across the Lincolnia

Senior Center property serving the application property. The Applicant shall not be responsible for any stormwater management improvements as may be required on the Lincolnia Senior Center property in conjunction with these improvements.

- i. All purchasers of units shall be notified in writing that the main entrance along Beauregard Street may, in the future, be limited to right-in and right-out vehicular movements only.

3. RECREATION -

- a. The Applicant shall construct a gazebo and trails in the central open space as shown on the CDP/FDP.
- b. The Applicant shall construct a sitting area in the southern open space adjacent to the stormwater management (SWM) pond subject to final design of the SWM facility and approval of DPWES.
- c. The Applicant shall request the dedication of a public access easement from the Board of Supervisors across the contiguous Board owned property, prior to site plan approval. Subject to the provision of necessary permission or easements, at no cost to the Applicant, the Applicant shall construct a trail from the Application Property through Board owned property and a trail around the adjacent playing field behind the Lincolnia Senior Center. In the event these improvements require zoning approval by the Board of Supervisors on the Lincolnia Senior Center property and the Board denies an application for such zoning approval and/or the necessary trail and temporary construction easements are not dedicated by the Board at no cost to the Applicant, then the trail improvements shall not be required and the Applicant will contribute the value of these improvements to the Fairfax County Park Authority.
- d. 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.
- e. Any monetary amount representing the difference between \$955.00 per unit and the value of the above-referenced off-site trail recreational facilities shall be contributed to the Fairfax County Park Authority for recreational improvements to the playing field behind the Lincolnia Senior Center.

4. ENVIRONMENTAL -

- a. 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 (220 feet from centerline of Beauregard Street and 520 feet from centerline of Route 236) shall have the following acoustical attributes:

- (1) Exterior walls shall have a laboratory Sound Transmission Class (STC) of at least 39. 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 (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 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.
 - c. 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 area 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.
 - d. The Applicant shall construct a stormwater management pond meeting Best Management Practices (BMP) requirements of the Public Facilities Manual (PFM) in the location as shown on the CDP/FDP.

5. LANDSCAPING AND OPEN SPACE -

- a. At time of site plan submission, the Applicant shall submit a comprehensive landscaping plan in substantial conformance with landscaping as shown on the CDP/FDP to the Urban Forester for review and approval. The comprehensive landscaping plan shall include native species as recommended by the Urban Forester. The exact location of the proposed planting may be modified as necessary by the Urban Forester, DPWES for the installation of utilities.
- b. A 20-foot wide landscaped buffer with wooden fence barrier shall be provided along the southern and western property line as shown on the CDP/FDP.

6. HOUSING TRUST FUND -

- a. At time of site plan approval, the Applicant shall contribute funds equaling one percent of the aggregate sales price of the total number of units to Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the Count's low and moderate income housing needs.

7. GEOTECHNICAL STUDY -

- a. If required by DPWES at time of site plan submission, the Applicant shall submit a geotechnical soil study for County review and approval.

8. GARAGE CONVERSION -

- a. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and the Fairfax County Board of Supervisors. Prospective purchasers shall be advised in writing by the Applicant of the use restriction prior to entering into a contract of sale.

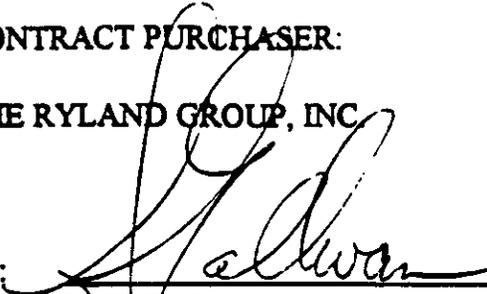
[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

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CONTRACT PURCHASER:

THE RYLAND GROUP, INC.

By:



Scott Gallivan
Operational Vice President

TITLE OWNER:

BEAUREGARD REALTY, INC.

By: Richard R. Wojcik
Richard R. Wojcik

Title: Vice President