

DULLES TECH L.C.
RZ-00-H-003
PROFFER STATEMENT
March 30, 2000
July 7, 2000
July 11, 2000
August 25, 2000
September 15, 2000
September 28, 2000
November 1, 2000

Pursuant to Section 15.2-2303A of the Code of Virginia, as amended, and subject to the Board of Supervisors approval of RZ 00-H-003, as proposed, for rezoning from the R-1 and the I-4 Districts to the C-3 District, Dulles Tech L.C. (the "Applicant"), owner of the approximately 6.68132 acres (known as Fairfax County Tax Map Parcels 15-4-((1))-19, 20, 35 (pt), included in this application (the "Property"), hereby proffers for itself, its successors and assigns that development of the Property shall be in conformance with the following proffered conditions:

1. **Substantial Conformity.** Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with Generalized Development Plan prepared by William H. Gordon Associates, dated January, 2000, as revised through August 17, 2000 (the "GDP"), as further modified by these proffered conditions.
2. **Minor Modifications to Design.** Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments that may be required as a result of final engineering to modify the layout, if such changes are in substantial conformance with the GDP and these proffers.
3. **Right-of-Way Dedication.** All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board of Supervisors (the "Board") in fee simple at the time of final site plan approval, or upon demand, whichever occurs first.
4. **Coppermine Road Improvements.** The Applicant shall dedicate right-of-way up to forty-five feet (45') from the presently existing centerline along the Coppermine Road frontage of the Property as depicted on the GDP. In addition, the Applicant shall construct frontage improvements along the Property's Coppermine Road frontage, including curb, gutter and sidewalk, with curb face set at up to thirty-five feet (35') from the presently existing centerline pursuant to the standards of the Public Facilities Manual ("PFM"), as determined by the Director of DPWES. Additionally, at the time of site plan review the Applicant shall coordinate with DPWES and VDOT to provide an appropriate transition, along the Property's frontage, from the four-lane section of Coppermine Road to the two lane section of Coppermine Road located west of the subject Property. The

improvements will be placed "in service" (but not necessarily accepted by VDOT) prior to the occupancy of the first building on the subject property.

5. **Land Uses.** The following uses are prohibited as principal uses: commercial swimming pools, tennis courts and similar courts (indoor), funeral homes, health clubs, child care, quasi-public athletic fields and related facilities.
6. **Interparcel Access.** The Applicant shall provide an interparcel access easement to the portion of Tax Map Parcel 15-4-((1))-35 that is not included in this Application.
7. **Parking Lot Lighting.** Parking lot lights shall be full cut-off light fixtures and shall be inward directed and located to minimize glare on adjacent properties. The light design shall be coordinated with the lighting used on adjacent parcels, Tax Map Parcels 16-3-((1))-32B and the portion of 15-4-((1))-35 not included in this application.
8. **Design.** The building(s) shall be of an architectural style and quality compatible with the building elevations depicted on Sheet 5 of the GDP. Site design and landscaping shall be in general conformance with the Urban Design Guidelines on Sheet 2 of the GDP. The facade of the parking deck shall be architecturally compatible with building 1 or 2 architecture.
9. **Trash Enclosures.** Trash areas and/or enclosures shall be constructed of materials that are compatible with the building design. All dumpsters shall be fully screened from view through the use of opaque gates or doors.
10. **Rooftop Screening.** Rooftop screen walls shall be provided on all buildings to screen rooftop mechanical equipment from view of adjacent public streets.
11. **Amenities.** An exercise room for employees' use shall be provided in building 1 or 2 at the applicant's option. A gazebo or picnic area shall be provided on parcel 16-3-((1))-32B generally as shown on sheet 3 prior to occupancy of the first building on the subject property.
12. **Phasing.** Development of this site may be phased as to buildings and/or parking deck; the open space around them may be surface parked so long as there is a 35-foot setback along Coppermine Road and the open space requirement is met.
13. **Transportation Demand Management.** The following transportation management strategies shall be implemented by the developer and/or the occupants of the building(s):
 - a. Occupants of the building(s) shall be encouraged to join DATA and participate in the Fairfax County Employer Transportation Services Program ("ETSP");

- b. The ETSP shall be under the direction of, and shall be a specifically assigned responsibility of, a property manager, human resources staff member, or the facilities manager as determined by the owner of the building(s); and
- c. The ETSP components shall include, but not necessarily be limited to:
 - (1) Employees and subsequent newly hired employees shall be asked to participate in a Transportation Demand Management (TDM) survey as approved by Fairfax County and used by DATA to determine current driving habits and interests(s) in participating in alternate commuting programs to single occupant vehicles;
 - (2) TDM and Commuters' Choice materials, including available transit information, shall be prominently displayed in employee reception areas or in central area(s) serving two or more tenants;
 - (3) Employees shall be given the opportunity to learn about TDM and Commuters' Choice Programs at periodic tenant functions;
 - (4) Convenient parking provided in preferred locations shall be designated for carpool/vanpool use, reserved until 9:30 a.m. on normal workdays;
 - (5) To reduce traffic generation, tenants will evaluate and promote when and where feasible: alternative work schedules, telework parameters, and use of the Metrochek program;
 - (6) Tenants, in concert with DATA, will assist employees in Ridematching and carpool/vanpool formation.

14. **Offsite Pedestrian Connections.** In addition to the on-site pedestrian trail/sidewalk connections depicted on the GDP, the Applicant shall:

- (1) Construct a 5' asphalt trail across the frontage of Tax Map Parcel 15-4-((1))-18, to connect with the existing sidewalk located on Tax Map Parcel 15-4-((1))-16A, subject to (i) obtaining approval from the owner of Tax Map Parcel 15-4-((1))-18 and/or VDOT, as required; and (ii) obtaining all off-site easements and/or necessary right-of-way to construct said trail at no cost to the Applicant;

- (2) Construct a 5' concrete sidewalk from the Property, through the portion of Tax Map Parcel 15-4-((1))-35 not included in this application, to the boundary of Tax Map Parcel 15-4-((1))-10. The location of the trail on Tax Map Parcel 15-4-((1))-35 shall be determined in conjunction with DPWES as part of the site plan revision for Parcel 35. The sidewalk shall be constructed prior to the issuance of the first Non-RUP for the Property, or funds sufficient for the cost of constructing the sidewalk across Parcel 35, as determined by DPWES, shall be escrowed with the County if the Parcel 35 site plan revision has not occurred by the time of issuance of the first Non-RUP for the Property.
15. **Density Credit.** All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject Property.
16. **Park Dedication.** Applicant shall dedicate to the Board of Supervisors for park purposes the area within the 100-year floodplain of Merry Brook Run located on the off-site portion of Tax Map 15-4-((1)) Parcel 35. The dedication shall be made within 90 days of bond release for the office building on Parcel 35, or before nonresidential use permits ("non-RUPs") are granted for the second office building on the Subject Property, whichever first occurs.
17. **Western Boundary Fence.** The Applicant shall install a four foot (4') green or black vinyl coated fence along the portion of the western property line which is contiguous to the cemetery on Parcel 18.
18. **Successors and Assigns.** Each reference to "Applicant" in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest and/or the developer(s) of the site or any portion of the site.
19. **Severability.** Any section or portion of the Property may be subject to a PCA without joinder and/or consent of the other sections or portions of the Property, if such PCA does not affect any other section or portion. Previously approved proffered conditions or development conditions applicable to the section(s) or portion of the Property not the subject of such a PCA shall otherwise remain in full force and effect.

[SIGNATURE ON FOLLOWING PAGE]

DULLES TECH L.C.
Applicant and Title Owner

By: 

Name: James W. Todd

Title: Manager