

**PROFFERS**  
**Morada Ridge Rezoning**

**RZ 2000-PR-027**

**February 27, 2001**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 49-1((1))20 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-4 District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

1. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing 4 sheets prepared by Charles P. Johnson & Associates, Inc., with Sheet 1 dated May 16, 2000, and revised through January 29, 2001; Sheet 2 dated May 2000 and revised through January 23, 2001; Sheet 3 dated February 2001 and Sheet 4 dated January 2001.

2. The development shall consist of a maximum of eight (8) single family detached residential units. None of the approved units shall have direct driveway access to Hilltop Road.

3. Subject to approval by DPWES, signage shall be used to demarcate no parking areas in lieu of pavement striping.

4. In conjunction with the appropriate subdivision review processes, private streets and common areas shall be dedicated to the homeowners association.

5. 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 homeowners' association (HOA), which shall be established, and the Board of Supervisors. Prospective purchasers shall be advised of this use restriction at the time of entering into a contract of sale.

6. The Applicant shall record, among the land records, a covenant prohibiting the storage and/or parking of recreational vehicles (boats, trailers, and mobile homes) on the private street system within the Property, except in specific areas designated by the HOA. Each Deed of Conveyance to the purchasers of lots shall expressly contain this disclosure and prospective purchasers shall be advised of this restriction prior to entering into any contracts of sale.

7. The covenants referenced the Proffer numbers 5 and 6 above shall run to the benefit of the HOA and shall be approved by the County Attorney prior to the recordation of the Deed of Subdivision.

8. All private streets shall be constructed pursuant to PFM pavement section standards as to the thickness for public subdivision streets.

9. Prior to conveying ownership of private streets and common areas to the HOA, the Applicant shall establish and fund an initial escrow in the amount of \$3,000 for the purpose of maintenance of the private street and any privately maintained BMP facility required by Proffer 12. The HOA dues and budget shall include annual assessments to be deposited into the escrow account for private street maintenance. All prospective purchasers shall be advised of the existence of private streets and all other associated maintenance obligations required by these Proffers prior to entering into a contract of sale.

10. At the time of subdivision plan review, or on demand of VDOT or Fairfax County, which first occurs, the Applicant shall dedicate at no cost in fee simple to the Board of Supervisors and/or VDOT, the right-of-way located generally parallel to Hilltop Road and identified as "to be dedicated" on the CDP/FDP.

11. The Applicant shall construct those frontage improvements to Hilltop Road described on the CDP/FDP within the right-of-way dedicated, pursuant to Proffer 10 so as to provide a half section of improved Hilltop Road to a standard required by DPWES and/or VDOT as determined at subdivision plan approval.

12. Requirements for BMPs shall be fulfilled through use of a "rain garden" or other such "innovative" bioretention facility as may be approved by DPWES to be located in the area identified as in the "stormwater management area" on CDP/FDP. At the time of subdivision plan review, the Applicant shall submit to DPWES a final design for the bioretention facility. Such BMP shall be designed and landscaped in accordance

with standards prescribed by DPWES. In the event, based on soil conditions, or other engineering constraints, DPWES determines that the preferred BMP described on the CDP/FDP is not appropriate, the Applicant reserves the right to install alternative stormwater management facilities in accordance with the requirements of DPWES in the stormwater management area shown on the CDP/FDP. In no event shall any such alternative facilities impact the tree save areas shown on the CDP/FDP. In order to restore a natural appearance to the proposed stormwater management facility, a landscape plan shall be submitted as part of the first submission of the subdivision plan showing extensive landscaping in all possible planting areas of the rain garden, or any other stormwater management facility in keeping with the planting policies of DPWES.

13. The HOA created pursuant to Proffer 5 above shall be responsible for the maintenance of the rain garden or any other alternative BMP that may be required by DPWES. Maintenance of any rain garden shall be accomplished consistent with the standards set forth in Attachment A. Prospective purchasers shall be advised of the maintenance obligations of the rain garden prior to entering into a contract for sale and the HOA documents shall include a provision that clearly sets out such maintenance obligations set forth in Attachment A or other equivalent document as may be approved by DPWES.

14. Concurrent with the subdivision approval process for the Application property, the Applicant shall file for and diligently prosecute the necessary plans and approvals from DPWES to construct the outfall and storm drainage improvements on the common areas owned by the abutting Dunn Loring Village Homeowners Association, as generally shown on the CDP/FDP. If required by DPWES, or if requested by the Dunn

Loring Village Homeowners Association, reasonable modifications to the design of these outfall and storm drainage improvements may be made to potentially include replacement of the Diversion Berm shown on the CDP/FDP with an additional inlet or a combination of a Diversion Berm and inlets, or similar measures, provided that such revisions are in substantial conformance with these proffers and the improvements shown on the CDP/FDP. If, for any reason, the Applicant is unable to secure the necessary approvals and permission from the Dunn Loring Village Homeowners Association, or, in the event DPWES determines that the off-site outfall and storm drain improvements cannot be implemented in the manner that is generally described on the CDP/FDP, then the Applicant shall demonstrate to the satisfaction of DPWES the adequacy of any alternative outfall arrangements. Such alternative arrangements may incorporate improvements to the existing outfall pipe and associated system located within existing easements or right-of-way generally parallel to Hilltop Road. In the event outfall is discharged into the existing or improved infrastructure along Hilltop Road, the resultant site design shall be in substantial conformance with the CDP/FDP and there shall be no diminishment of the tree save commitments shown on the CDP/FDP.

15. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP. The specific type, number and placement of plantings and landscaping shall be determined at the time of subdivision plan approval, subject to review and approval of a landscape plan by the Urban Forester, DPWES. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed or any landscaping shown in tree save areas is removed, in order to locate utility lines, trails, etc., as determined necessary by the Director, DPWES,

then an area of additional landscaping of equivalent value, as determined by Urban Forester, DPWES, shall be substituted at an alternate location on the site. The landscape plan to be reviewed by the Urban Forestry Branch at subdivision plan approval shall incorporate additional landscape trees, potentially including the transplant trees required by Proffer 18 below, into the portions of the tree save areas on the CDP/FDP presently occupied by turf grass and invasive vines.

16. The limits of clearing and grading shown on the CDP/FDP and required pursuant to these proffers shall be considered maximum limits.

17. A certified arborist shall be retained by the Applicant to prepare a tree preservation plan to be reviewed and approved by the Urban Forestry Branch as part of the first subdivision plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in diameter, in the ten (10) foot area adjacent to the proposed limits of clearing and grading for the entire site. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing consisting of a four (4) foot high, fourteen (14) gauge welded wire fence, attached to six (6) foot steel posts, which are driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart,

shall be erected at the limits of clearing and grading as shown on the subdivision plan's Phase I and II erosion and sediment control sheets in all areas.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify, in writing, that the tree protection fence has been properly installed.

18. The applicant shall provide a transplantation plan as part of the first submission of the subdivision plan. The transplantation plan shall be prepared by a certified arborist and be reviewed and approved by the Urban Forestry Division. The following are the components of the transplanting plan: identification of the existing locations of the plants to be transplanted; an assessment of the condition and survival potential of the plants; the proposed transplant locations; the timing of transplanting in the development process; the proposed time of year of the transplanting; the transplant methods to be used, including tree spade size if one is used; the relocation site preparation materials and methods; the initial care after transplanting, including mulching and watering specifications to be conducted; and the long-term care measures including the installation of tree protection fencing and watering.

19. All homes on the Property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

20. At the time of subdivision plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities have a value equivalent to \$955.00 per unit as required by Article 6 of the Zoning Ordinance. The Applicant reserves the right to install active or passive recreational facilities, to include but not be limited to tot lots, fitness courses, gazebos, playgrounds and similar facilities, in open space areas shown on the CDP/FDP, provided such facilities shall conform to the provisions of Article 6 and shall not encroach into the limits of clearing prescribed by Proffer 15. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall have the option to: (1) provide additional on-site recreational amenities within the open space areas shown on the CDP/FDP, if it is determined that the location at such would be in substantial conformance with the FDP; or (2) upon demonstrating to the satisfaction of DPWES that facilities in the adjacent Dunn Loring Village community are available for use by residents of the approved development, contribute any unused funds to the Dunn Loring Village Homeowners Association for the purpose of improving or upgrading recreational facilities in the Dunn Loring Village Community; or (3) contribute necessary funds to the Fairfax County Park Authority for off-site recreational purposes in locations within Providence District that an reasonably be expected to serve the future residents of the approved development, in accordance with section 16-404 of the Ordinance.

21. At the time of subdivision plan approval, the Applicant shall demonstrate to the satisfaction of DPWES that the side of the dwelling on Lot 1 facing Hilltop Road and the east and west sides of the dwellings on Lots 8 and 6, respectively, are designed with an architectural style that is similar to the front façade to include a minimum of a

brick or stone water table and the incorporation of a minimum of four windows. Windows on the sides of the dwellings governed by this proffer shall incorporate shutters or similar decorative treatments.

22. At the time of final subdivision plan approval, the Applicant shall contribute one half of one percent of the projected sales price of the new homes to the Housing Trust Fund. The final amount of such contribution shall be determined by the Applicant in consultation with staff of the Department of Housing and Community Development.

23. The driveways serving Lots 1-4 shall have a minimum length of 20'.

24. Prior to the issuance of the first Residential Use Permit ("RUP"), the Applicant shall contribute three (3) new personal computers to Fairhill Elementary School and two (2) new personal computers to Jackson Middle School. The computer equipment provided by the Applicant shall include a monitor and basic operating hardware and shall be compatible with the operating systems used at each of these schools. In the alternative, the Applicant may fulfill the requirements of this proffer by contributing the funds necessary for the schools to acquire the computer equipment described herein. If applicable, the amount of such contribution shall be reviewed and approved by a representative of the schools described herein. In no event shall such contribution exceed the sum of \$5,000.

25. No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be

placed on or off-site, by or on behalf of the Applicant, or at the Applicant's direction to assist in the initial sale of homes on the property.

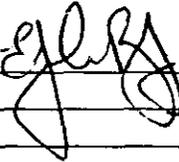
26. All monetary contributions required by these proffers shall be adjusted upward or downward, based on changes to the Construction Cost Index published in the Engineering News Record occurring subsequent to the date of rezoning approval.

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These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Contract Purchaser:

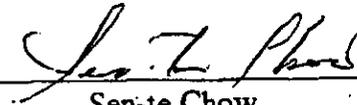
CHRISTOPHER MANAGEMENT, INC.

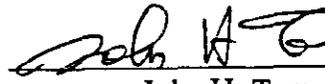
By:   
Name: E. JOHN REHAN JR.  
Title: VICE PRESIDENT

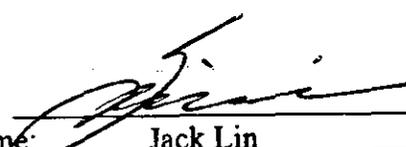
Title Owner:

CHINESE CHRISTIAN CHURCH OF VIRGINIA,  
P.C.A.

By:  3/3/01  
Name: Philip Yen  
Title: Trustee

By:  3/3/01  
Name: Sen-te Chow  
Title: Trustee

By:  3/3/01  
Name: John H. Tam  
Title: Trustee

By:  3/3/01  
Name: Jack Lin  
Title: Trustee

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