

PROFFERS

PCA/CDPA/FDPA 80-P-039-2

December 21, 1989

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors approval of the requested Proffered Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA), applicant proffers to the following conditions. These proffers supercede and incorporate all previously accepted proffers:

1. Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, development of the commercial component (Land Bay A) and the residential component of the subject property shall be in conformance with the CDPA/FDPA prepared by William H. Gordon Associates, Inc. dated November 7, 1989, and revised through December 14, 1989 with approved transitional screening waiver.

2. A maximum of 1,200,000 square feet of office and principal uses shall be permitted on the property. In addition to office use, the following uses shall be permitted on the site, but in the event any or all of following principal or secondary uses are not provided, the commercial portion of the property may be developed with all office use.

Principal Uses:

One or more financial institutions with the total not to exceed 15,000 gross square feet.

One or more retail sales or personal service establishments with the total not to exceed 30,000 gross square feet.

One or more eating establishments with the total not to exceed 30,000 gross square feet with a maximum of 1,300 seats allowed.

Secondary Uses:

One or more health clubs with the total not to exceed 15,000 gross square feet.

A delicatessen consisting of 2,000 square feet.

In addition, a maximum of 755 commercial off-street parking spaces within parking structures may be provided.

In addition to the 1,200,000 square feet of commercial, principal and other secondary uses, residential dwelling units shall be provided as a secondary use in an amount equal to a maximum of fifty percent (50%) of the square footage devoted to commercial, principal uses.

3. All secondary uses will be designed to serve primarily the needs of the residents and occupants of the development, except for the commercial off-street parking.

4. A tot lot will be constructed as part of the recreational area shown on the CDPA/FDPA and serving the proposed residential portion of the PDC development.

5. Both prior to and during the development of the property, the applicant/owner will permit the on-site research of archaeological site, if any, by members of the Fairfax County Archaeological Survey Staff, provided however, that such on-site research shall not interfere with the planned development of the property and shall not restrict the timing of the development of the property. Applicant shall give the Fairfax County Archaeological Survey Staff ninety (90) days notice prior to commencement of construction of Phase III.

6. Emergency access will be provided in accordance with the Fairfax County Public Facilities Manual.

7. Transitional screening 1 shall be provided along the Route 29 frontage of the subject property as approved by the Director of DEM. Transitional screening 2 shall be waived along Nutley Street. Evergreen plantings shall be provided around service areas of future buildings between the buildings and the floodplain, as approved by the County Arborist, as a supplemental buffer to the existing vegetation along Nutley Street.

8. The applicant/owner, at the time of final site plan submission will submit a landscape plan for approval by the Director of the Department of Environmental Management (DEM), so as to achieve a visual buffer between the residential development and the commercial parking structure. Said plan shall include effective treatment of the exposed portions of the parking structure deck.

9. A six (6) foot noise attenuation barrier will be provided between the proposed residential recreational area and the boundary line of the adjoining Fairlee subdivision.

10. Storm water detention has been provided as approved and constructed with Site Plan 4818-SP-02, approved by DEM on March 24, 1988.

11. The residential and commercial travelways on the site loop road will be interconnected so as to provide the residential development direct access through the site to Nutley Street until

such time as the completion of both relocated Nutley Street and new Interstate 66-Nutley interchange is effectuated. Any necessary cross easements shall be provided to effectuate this proffer. When Nutley Street relocation and the new interchange are completed, this interconnection may be terminated at the option of the applicant.

12. The internal intersection on the commercial loop road immediately north of Lee Highway was designed and approved by the DEM and the Office of Transportation with Site Plan 4818-SP-01, approved by DEM on December 18, 1986.

13.

(a) Applicant has contributed Seventy One Thousand Eleven Dollars and 65/100 (\$71,011.65) to Virginia Department of Transportation (VDOT), sufficient to pay the cost of the improvement of the intersection of Nutley Street and Lee Highway so as to provide two (2) through lanes on Lee Highway in each direction and a left turn lane to northbound Nutley Street from eastbound Lee Highway. Sufficient right-of-way for these improvements has been previously acquired and dedicated by the applicant. This intersection improvement will be undertaken by VDOT as part of Project Number 0066-029-103, RW-204, PE-102, C-506 and the applicant's payment obligation shall be as described in the June 8, 1988, agreement among the applicant, VDOT and Fairfax County for this improvement.

(b) The applicant will be responsible for providing appropriate signalization of the site's entrances with Nutley Street and Lee Highway in an amount not to exceed One Hundred Thousand Dollars and No/100 (\$100,000.00) to be CPI adjusted at such time as the signalization needs have been determined by VDOT. The applicant will further provide for the interconnection of these signals with that at the Lee Highway and Nutley Street intersection.

(c) The applicant commits to participate in the cost of the signalization of the Nutley Street/Interstate 66 interchange access ramps by the contribution of the sum of Thirty Five Thousand Dollars and No/100 (\$35,000.00) if the need for such signalization is determined by VDOT during the period of development and construction of this project.

(d) The applicant shall provide Fairfax County with all necessary temporary grading easements for the commercial component along the site's Lee Highway frontage.

14. To the extent permitted in an agreement between WMATA and the applicant which is reasonably satisfactory to the applicant, a vehicular access shall be provided to connect to the adjacent metro facility, as shown on the CDPA/FDPA. The connector road to the metro station shall intersect the station loop road at an existing intersection with the final alignment to be determined by the Director of DEM at the time of Site Plan review. The applicant commits to the use of Transportation Management Strategies to serve the transportation needs of the tenants on the site. The principal technique to be used by the applicant will be shuttle bus service between the site and the Vienna Metro station. The applicant may elect to substitute another technique (e.g.: car pools, van pools, preferential parking, public bus service, etc.) at the applicant's choice, to provide Transportation Management Strategies to the tenants of the site.

15. The applicant commits to offer units for sale or rental to the Fairfax County Redevelopment and Housing Authority in accordance with the document attached hereto and made a part hereof as Exhibit "A". The determination as to sale or rental of those units to RHA shall be dictated by the project's status as a condominium, cooperative or a rental apartment project. Notwithstanding that the aforementioned document provides for the construction of thirty-five (35) units, the applicant shall provide for fifty (50) units.

16. The development plan reflects that the applicant has parked the subject development in accordance with the existing parking regulations of the Fairfax County Zoning Ordinance as amended in September 1988. If the applicant provides parking in excess of the Fairfax County Zoning Ordinance, such parking shall be within the parking areas and parking structures shown on the CDPA/FDPA, and the parking spaces in excess of minimum ordinance requirements needed to serve the other principal and secondary uses may be utilized to accommodate metro-related parking or be converted to enclosed storage space, as approved by DEM and in accordance with the provisions of the Zoning Ordinance.

17. The applicant has submitted a "Landscape Plan Revegetation Plan per Special Exception" which was approved by DEM on August 3, 1988, as a condition of SE 85-P-090. Once this landscaping has been planted and accepted by the County Arborist, this revegetation requirement will be satisfied.

18. The eight (8) foot trail shown along the stream on the CDPA/FDPA will be designed to meander around the existing trees as approved by the County Arborist so as to minimize the amount

of clearing necessary for the trail and to preserve a maximum amount of existing vegetation.

19. A twelve (12) foot wide public access easement shall be recorded among the land records of Fairfax County for the provision of TX-2, Type I eight (8) foot wide asphalt trails noted as "Public Pedestrian Pathway" to be constructed in the location shown on the CDPA/FDPA. Applicant will maintain all presently existing and future trails to ensure pedestrian access. Applicant will create a pedestrian path from the office buildings to the asphalt trails to encourage and facilitate pedestrian use. Bike racks will be provided at the ground level of the parking structure between Buildings 4 and 5 for the use of office tenants.

20. All signage shall be in conformance with the approved Comprehensive Sign Plan.

21. The applicant has recorded among the land records of Fairfax County at Deed Book 6834 at Page 1352 flood plain easement to the Board of Supervisors as approved by the County Attorney as shown on attached Exhibit "B". This existing flood plain easement has included that land which is defined by the Comprehensive Plan as Environmental Quality Corridor associated with Hunters Branch which runs through the site. No clearing of any vegetation in the area defined to be within the existing flood plain easement shall take place except for that listed on the attached Exhibit "C". Revegetation of this area shall be coordinated and approved by the County Arborist. Applicant will not fill within the flood plain easement nor construct any permanent structure within the flood plain easement as recorded in Deed Book 6834 at Page 1352, other than pedestrian amenities such as pedestrian bridges, gazebos and furniture to the extent that such amenities are permitted in the flood plain by right under the zoning ordinance.

22. Temporary metro parking may be provided within the commercial portion of the property, both in parking structures and/or on temporary at grade spaces within areas shown on the CDPA/FDPA for parking structures as approved by DEM. A maximum of 400 temporary, surface spaces shall be allowed within areas of footprints of future parking structures.

23. A fifty (50) foot undisturbed buffer area shall be provided on the commercial component between the Metro connector road and the western lot line. Notwithstanding the preceding sentence, if DEM requires the road to be shifted to the west so that it is not feasible, in the judgment of DEM, to maintain a fifty (50) foot undisturbed buffer, the applicant will preserve an undisturbed buffer to the extent that it is in the judgment of DEM feasible to do so, but will in any event preserve a minimum undisturbed buffer of thirty-five (35) feet.

24. A fifty (50) foot undisturbed buffer shall be provided on the commercial component between the western commercial loop road and the western lot line, as long as it is feasible in the judgment of DEM to do so, without relocating that road to the east. If the undisturbed fifty (50) foot buffer cannot be maintained then the applicant will preserve an undisturbed buffer to the extent that it is, in the judgment of DEM, feasible to do so, but will in any event preserve a minimum undisturbed buffer of thirty-five (35) feet.

25. Applicant will employ construction techniques for that property fronting the western buffer area to minimize impact on existing trees within the buffer as approved by the County Arborist. These techniques shall include establishing limits of clearing and grading to be clearly marked by construction fencing and the designation of specific mature trees within the limits of clearing and grading to be marked and individually fenced.

26. The plaza areas as shown on the CDPA/FDPA will be designed to encourage pedestrian use and facilitate internal pedestrian circulation on the site.

27. Applicant will employ all necessary means to restrict access to the metro station connector road to shuttle buses and vans, which may include the use of a carded gate as approved by the Office of Transportation.

28. Applicant shall complete the sidewalk as a part of the trails system at the Nutley Street entrance into the project.

HMCE ASSOCIATES LIMITED
PARTNERSHIP

By: David W. Evans
David W. Evans
General Partner

FIRST AMERICAN BANK OF VIRGINIA,
TRUSTEE, AND NOT INDIVIDUALLY

By: Judith L. Jones
Judith L. Jones
Assistant Vice President



July 6, 1989

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Residential Site)
Providence District
Fairfax County, Virginia

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUL 7 1989

ZONING EXAMINATION DIVISION

Beginning at a point in the northerly right-of-way line of Lee Highway (Route 29), said point marking the southeasterly corner of Fairlee;

thence departing said Lee Highway and with the easterly line of said Fairlee

N 06° 08' 35" W, 1,192.42 feet

to a point;

thence through the property of First American Bank of Virginia, Trustee the following seven (7) courses:

S 79° 43' 20" E, 114.68 feet to a point;

S 53° 27' 26" E, 412.94 feet to a point;

S 13° 35' 37" E, 247.11 feet to a point;

S 10° 00' 00" E, 91.11 feet to the point of curvature of a curve to the left;

140.21 feet along the arc of said curve having a radius of 189.00 feet and a chord bearing and chord of

S 31° 15' 09" E, 137.02 feet respectively, to a point;

S 52° 30' 18" E, 231.88 feet to a point and

S 71° 38' 34" E, 62.24 feet

to a point in the aforementioned northerly right of way line of Lee Highway;

thence with the said right-of-way line of Lee Highway the following four (4) courses:

S 71° 38' 34" E, 5.35 feet to a point;

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Residential Site)
July 6, 1989
Page 2

S 17° 33' 36" E, 8.85 feet to a point;

S 72° 16' 05" W, 379.48 to the point of curvature of a curve
to the left and

166.00 feet along the arc of said curve having a radius
of 1,210.75 feet and a chord bearing and chord of
S 68° 20' 25" W, 165.87 feet respectively,

to a point marking the southeasterly corner of the property now
or formerly of Diana Dee Devers;

thence departing said right-of-way of Lee Highway and with the
lines of said Dianna Dee Devers the following four (4) courses:

N 08° 31' 15" W, 75.39 feet to a point;

N 52° 01' 15" W, 8.78 feet to a point:

S 69° 09' 25" W, 10.41 feet to a point and

S 37° 31' 05" W, 250.61 feet

to a point in the aforementioned northerly right-of-way line of
Lee Highway said point also marking the southwesterly corner of
said Diana Dee Devers;

thence with said line of Lee Highway

S 53° 37' 15" W, 17.51 feet to a point and

N 17° 25' 32" W, 8.79 feet

to the point of beginning.

Containing 458,142 square feet or 10.51749 acres of land.



June 29, 1989

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Commercial Site)
Providence District
Fairfax County, Virginia

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUL 7 1989

ZONING EVALUATION DIVISION

Beginning at a point in the northerly right-of-way line of Lee Highway (Route 29-211), said point being

S 72° 26' 25" W, 220.50 feet

from a point marking the southwesterly corner of B. P. Oil, Inc., said point also marking the northwesterly corner of Fairfax Development Corporation;

thence with said right-of-way line, the following nine (9) courses:

S 72° 26' 25" W, 212.39 feet to a point;

N 82° 51' 23" W, 20.86 feet to a point;

N 23° 50' 19" E, 47.01 feet to a point;

N 66° 09' 40" W, 44.14 feet to a point;

S 23° 50' 19" W, 80.73 feet to a point;

S 74° 44' 42" W, 11.40 feet to a point;

S 45° 21' 49" W, 35.52 feet to a point;

S 79° 40' 30" W, 123.22 feet to a point and

S 72° 16' 05" W, 414.87 feet

to a point;

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Commercial Site)
June 29, 1989
Page Two

thence departing from Lee Highway and running through the property of First American Bank of Virginia, Trustee, the following seven (7) courses:

N 71° 38' 34" W, 62.24 feet to a point;

N 52° 30' 18" W, 231.88 feet to the point of curvature of a curve to the right;

140.21 feet along the arc of a said curve having a radius of 189.00 feet and a chord bearing and chord of N 31° 15' 09" W, 137.02 feet respectively, to a point;

N 10° 00' 00" W, 91.11 feet to a point;

N 13° 35' 37" W, 247.11 feet to a point;

N 53° 27' 26" W, 412.94 feet to a point

N 79° 43' 20" W, 114.68 feet

to a point on the easterly line of Lot 46, Fairlee Subdivision;

thence with the easterly line of Fairlee

N 06° 08' 35" W, 852.79 feet

to a point in the southwesterly line of Washington Metropolitan Area Transit Authority, said point marking the northeasterly corner of Lot 38 in said Fairlee;

thence with the southerly and southwesterly lines of said Washington Metropolitan Area Transit Authority, the following six (6) courses:

S 63° 47' 00" E, 426.95 feet to a point;

N 77° 00' 19" E, 392.65 feet to the point of curvature of a curve to the right;

306.88 feet along the arc of said curve having a radius of 250.00 feet and a chord bearing and chord of S 67° 49' 43" E, 287.97 feet respectively, to a point;

S 32° 39' 45" E, 399.87 feet to the point of curvature of a curve to the left;

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Commercial Site)
June 29, 1989
Page Three

268.03 feet along the arc of said curve having a radius of 150.00 feet and
a chord bearing and chord of S 85° 17' 53" E, 233.77 feet respectively, to
a point and

N 53° 10' 13" E, 6.53 feet

to a point;

thence running through the property of First American Bank of Virginia,
Trustee, the following seven (7) courses:

105.03 feet along the arc of a curve to the right having a radius of
899.43 feet and a chord bearing and chord of S 22° 39' 51" E, 104.97 feet
respectively, to a point;

S 15° 34' 26" E, 45.93 feet to a point;

S 12° 28' 34" E, 100.72 feet to a point;

S 19° 19' 08" E, 185.00 feet to a point;

S 23° 48' 13" E, 153.47 feet to a point;

S 14° 56' 53" E, 157.46 feet to a point;

S 19° 19' 08" E, 166.00 feet to a point and

S 28° 43' 24" W, 53.65 feet

to the point of beginning.

Containing 1,788,269 square feet or 41.05301 acres of land.

AND

Beginning at a point in the aforementioned southwesterly right-of-way line of
Nutley Street, said point marking the northeasterly corner of Virginia
Electric and Power Company property;

thence with the northerly line of said Virginia Electric and Power Company
property

S 84° 45' 22" W, 106.76 feet

to a point;

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Commercial Site)
June 29, 1989
Page Four

thence running through aforementioned First American Bank of Virginia, Trustee property, the following three (3) courses:

N 16° 03' 08" E, 20.93 feet to a point;

N 29° 37' 25" W, 111.80 feet to a point and

N 55° 17' 28" E, 49.44 feet

to a point in the aforementioned southwesterly right-of-way line of Nutley Street, said point being:

S 36° 50' 09" E, 148.92 feet;

with the arc of a curve to the left having a radius of 5751.08 feet and a chord bearing and chord of S 38° 34' 33" E, 349.25 feet respectively, an arc distance of 349.30 feet and

S 40° 18' 57" E, 77.85 feet

from the aforementioned most easterly corner of Washington Metropolitan Area Transit Authority;

thence with the said southwesterly right-of-way line of Nutley Street

S 40° 18' 57" E, 177.97 feet

to the point of beginning.

Containing 10,018 square feet or 0.22998 acres of land.

AND

Beginning at a point in the aforementioned northerly right-of-way line of Lee Highway, said point marking the southwesterly corner of aforementioned B. P. Oil, Inc. and the northwesterly corner of Fairfax Development Corporation;

thence with the northerly right-of-way line of said Lee Highway

S 72° 26' 25" W, 20.01 feet;

to a point;

Description of
a portion of
the property of
First American Bank of Virginia, Trustee
(Commercial Site)
June 29, 1989
Page Five

thence departing Lee Highway and through the property of First American Bank of Virginia, Trustee, the following three (3) courses and distances:

N 19° 19' 08" W, 96.02 feet to a point;

N 43° 04' 06" W, 54.63 feet to a point and

N 18° 57' 20" W, 13.82 feet

to a point in the southerly line of the Commonwealth of Virginia;

thence with the southerly line of the Commonwealth of Virginia and continuing with the southerly line of aforementioned Virginia Electric and Power Company

N 84° 43' 07" E, 79.58 feet

to a point marking the northwesterly corner of aforementioned B. P. Oil, Inc.;

thence with the westerly line of B. P. Oil, Inc.,

S 05° 16' 52" E, 145.50 feet

to the point of beginning.

Containing 6,483 square feet or 0.14883 acres of land.

All three parcels containing an aggregate of 1,804,770 square feet or 41.43182 acres of land.

PROPOSED CONDITION

REZONING APPLICATION EO-P-229 and FINAL
DEVELOPMENT PLAN EO-P-229

WHEREAS, M.H.C.E. ASSOCIATES (hereinafter the Applicant), as part of the above referenced rezoning and final development plan approval, has obtained approval for the development and construction of three hundred fifty (350) residential units; and

WHEREAS, the Applicant desires to cooperate with the Fairfax County Redevelopment and Housing Authority (hereinafter FCRHA) to make certain residential units available for low and moderate income families.

NOW, THEREFORE, it is a condition of this rezoning and final development plan approval, as follows:

1. Condominium and/or Cooperative Development: In the event units are developed under a condominium and/or cooperative form of ownership, the applicant hereby agrees to make available to the FCRHA or purchasers designated by the FCRHA, for purchase, thirty-five (35) of the units, in the same proportion of mix and size as the total residential development; unless otherwise mutually agreed upon by the FCRHA and the party(s) developing the units, which shall be available for purchase on the following terms:

- a. At such time as the applicant is ready to market the condominium and/or cooperative units in the development, the Applicant will give notice to the FCRHA of the offer of available units, together with the purchase price determined as hereinafter set forth, and the FCRHA shall after receipt of this notice, have a period of sixty (60) days to enter into binding contracts for any number of units up to thirty-five, the provisions of which will allow FCRHA reasonable time to seek and obtain funding and/or financing for the purchase of these units. In the event the applicant obtains any below market financing for the sale of units, the Applicant shall permit the FCRHA

or purchasers designated by the FCRHA to use such financing. In the event the FCRHA does not enter into contracts for the purchase of the available units within the aforesaid time period, all further obligations of the Applicant shall be relieved with respect to the number of units offered.

- b. In lieu of direct contracts with the FCRHA, as set forth in paragraph 1-a above, the FCRHA may direct that contracts be entered into with individual purchasers.
- c. These units shall be made available to the FCRHA or purchasers designated by the FCRHA at the lower of the 1) prices at which comparable units are offered to the public, 2) prices determined as below: Labor and material costs of the units, together with a pro-rata share of the construction costs associated with the common elements of the residential development, and together with a pro-rata share of the site development costs associated with the residential development plus a payment to the Applicant in an amount equal to ten (10) percent of the development and construction costs set forth in this paragraph. No portion of the costs associated with these units shall be attributed to land costs or land value. The construction costs included in this paragraph shall include a pro-rata share of the financing and other soft costs associated with the development and construction of these residential units, provided however, that no general overhead, marketing or related soft costs of the builder not reasonably attributable to the cost of the FCRHA units shall be included within these costs.
- d. Any units made available for purchase hereunder shall be subject to the condominium and/or cooperative regime to be established for the proposed residential development, and the obligations under the condominium and/or cooperative regime.

2. Rental Development: In the event the residential units are developed under a rental form of ownership, the Applicant hereby agrees to make no less than thirty-five (35) of the units available for low/moderate income tenants as such term is defined by the FCRA under a Section 8 rental program, or similar federal, state or local rental subsidy program for a minimum of twenty years. In the event the Applicant operates the development as rental units, and prior to the expiration of twenty years, the development becomes a condominium or cooperative, all the terms set forth in paragraph 1-a through d, shall be applicable.

3. In either event, it is the intent of the Applicant and the FCRA that the units made available be interspersed throughout the residential development, with final location of these units to be determined by cooperation between the Applicant and FCRA.

4. The applicant shall periodically inform the FCRA of the status of the development including a timetable for development, particularly construction start and anticipated availability of units. In the event the development is constructed in stages, the FCRA shall, at its option, have the right to purchase, under paragraph 1, or the Applicant shall be obligated to offer for rent under paragraph 2 that percentage of units which is equal to the same ratio of units offered to the FCRA as described in paragraph 1 or to be made available for rent as described in paragraph 2 in each stage of the residential development. The FCRA may elect at its option to waive its right in each stage to accumulate the number in the next successive stage. Such waiver shall be given no later than 30 days after notice of availability by the applicant.

5. The condition of zoning shall be binding on the Applicant, and on his assigns and successors in interest.

FAIRFAX COUNTY REDEVELOPMENT
AND HOUSING AUTHORITY

ATTEST:

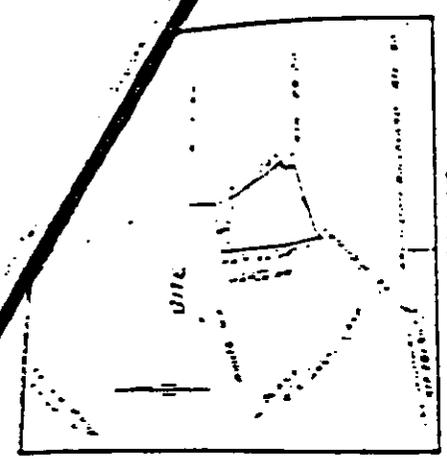
Assistant Secretary

By: _____
(Signature)

Date: _____

Date: _____

(Applicant)



NOTES:

1. THE PROPERTY INTERESTS ARE SHOWN ON THIS PLAN AS IF THEY WERE THE SAME AS SHOWN ON THE MAP OF THE COUNTY OF LAMAR, VIRGINIA, DATED JANUARY 12, 1987. THE PROPERTY INTERESTS SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. THE PROPERTY INTERESTS SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.
2. THE SITE IS LOCATED ON THE EAST SIDE OF THE ROAD, APPROXIMATELY 1/4 MILE SOUTH OF THE INTERSECTION OF THE ROAD AND THE ROAD. THE SITE IS APPROXIMATELY 1/4 MILE SOUTH OF THE INTERSECTION OF THE ROAD AND THE ROAD.
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**PLAT SHOWING
FLOOD PLACEMENT
ON THE PROPERTY OF
FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE**

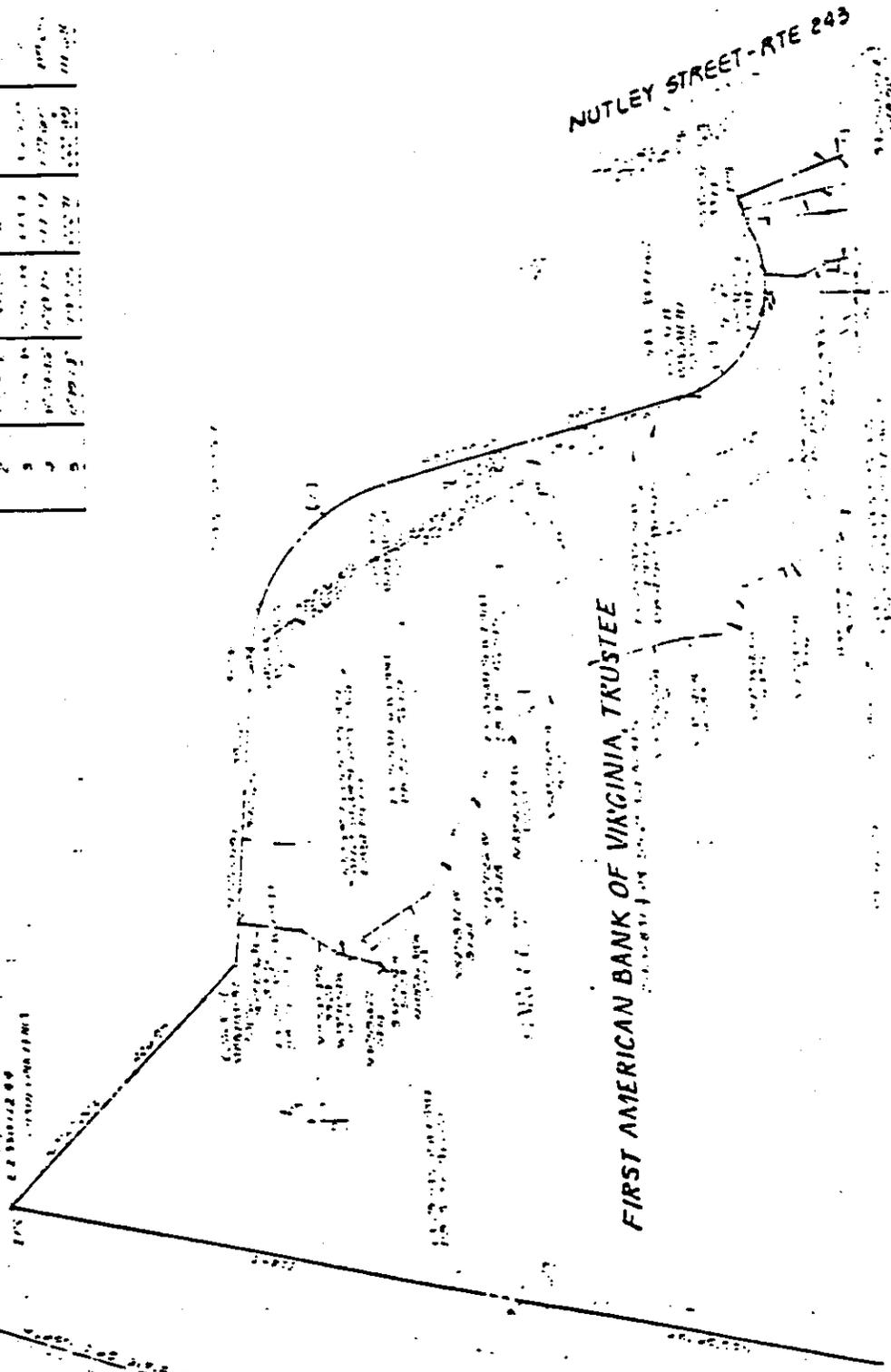
MIDDLEBURGH DISTRICT
LAMAR COUNTY, VIRGINIA
SCALE 1" = 100' DATE FEBRUARY 12, 1987

William H. Gordon Associates, Inc.
Civil Engineers, Surveyors, and Planners
1100 North Main Street, Suite 100
Middleburgh, Virginia 22648
703 856 1800



NO.	DESCRIPTION	AMOUNT	DATE	INITIALS
1
2
3
4
5

1000 218
 1000 218
 1000 218



NUTLEY STREET - RTE 243

FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE

PLEASE RETURN TO
 FLOOD PLANNING UNIT
 ON THE PROPERTY OF
 FIRST AMERICAN BANK OF VIRGINIA, TRUSTEE
 PROVIDENCE, RHODE ISLAND
 1000 218
 DATE: JANUARY 12, 1987
 William H. Gordon Associates, Inc.
 1000 218
 Providence, Rhode Island

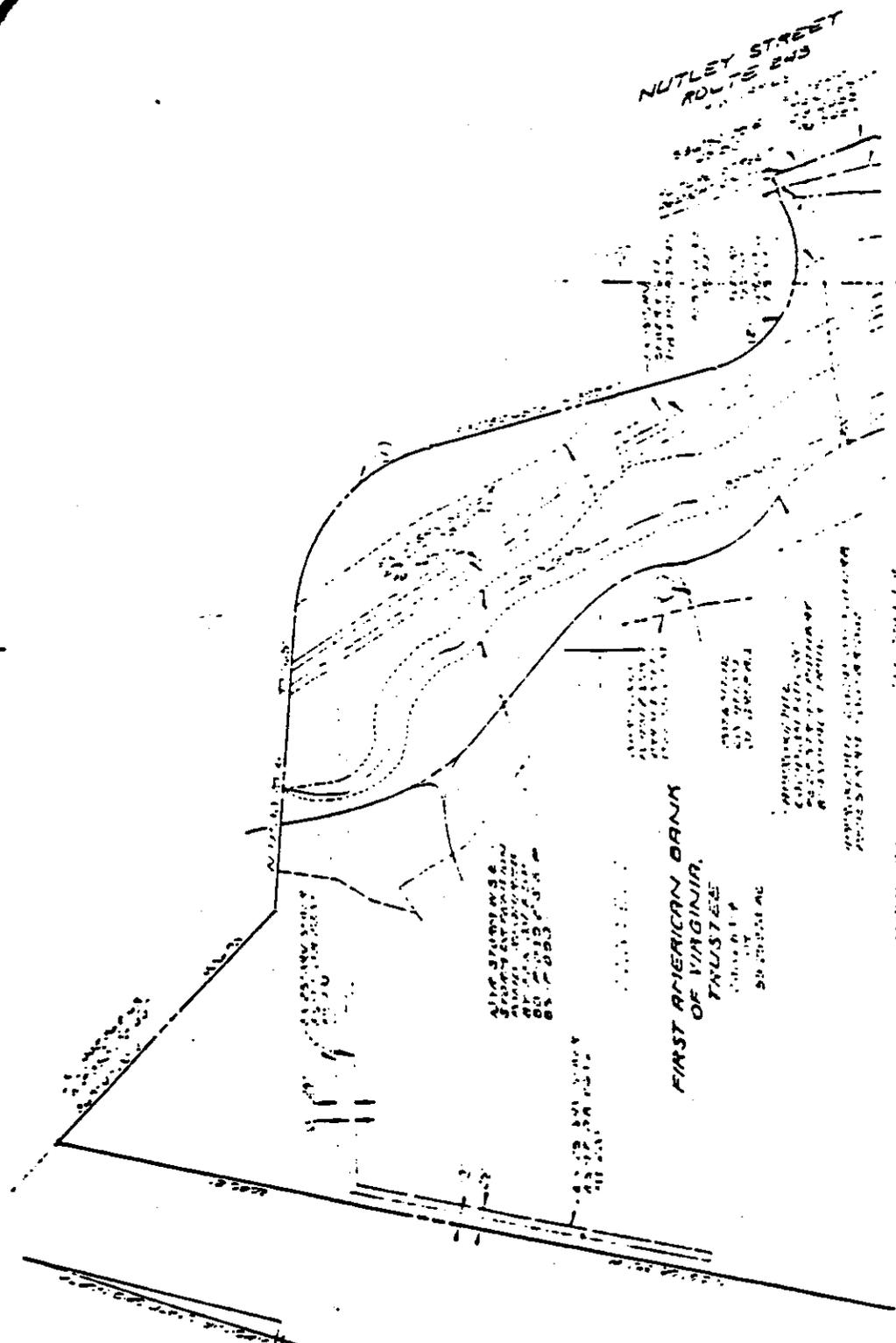


1948 (continued)
FLOOD PLAIN EASEMENT
 THE NEW EASEMENT OF
FIRST AMERICAN BANK OF VIRGINIA,
TRUSTEE



Map, Standard Public Trust - No. 100, Virginia 20011
 2013 Map, 1/24/11

NUTLEY STREET
ROUTE 243



ALL INFORMATION
 CONTAINED HEREIN
 IS UNCLASSIFIED
 DATE 08-13-2014 BY
 60322 PJA/K

FIRST AMERICAN BANK
TRUSTEE
 1000 N. GLENN ST.
 SUITE 200
 WASHINGTON, D.C. 20002

PROPERTY OF
 FIRST AMERICAN BANK
 OF VIRGINIA

PROPERTY OF
 FIRST AMERICAN BANK
 OF VIRGINIA

PROPERTY OF
 FIRST AMERICAN BANK
 OF VIRGINIA

EXHIBIT "C"

Notes Regarding Selective Clearing Areas

1. No clearing or other activity by driver-operated machines is to occur in these areas.
2. Selective clearing outside the Limits of Clearing and Grading as shown on this plan is to be as directed by the Owner's Landscape Architect and must be coordinated with the County Arborist's inspector prior to commencement of work.
3. The specific practices which may be undertaken as needed in such areas are:
 - A. Remove natural deadfall trees and fallen logs, debris and trash including those interfering with stream flow.
 - B. Remove standing dead, diseased or damaged trees creating hazards or unsightly conditions.
 - C. Prune live branches from trees which have been damaged, and prune dead wood from healthy trees.
 - D. Remove poorly shaped trees or branches.
 - E. Remove unsightly, tree-killing or noxious vines.
 - F. Remove unsightly or undesirably dense underbrush (shrubs and very young trees).
 - G. Plant new vegetation.
4. "Selective Clearing" will be done by small, hand-carried or walk-behind machines (e.g., chain saws, small stump grinders, bush hogs, etc.) as needed, but no driver-operated or large-wheeled machines will be permitted in such areas without specific approval from the County Arborist.
5. Work is to be performed by a licensed arborist acceptable to the Owner and Landscape Architect.

PROPOSED DEVELOPMENT CONDITIONS

Revised December 14, 1989

Revised December 14, 1989

Revised January 8, 1990

If it is the intent of the Planning Commission to approve PCA/CDPA/FDPA 80-P-039-2 located at Tax Map 48-4 ((1)) 1E, 1-G, pt. 1-H, 1-J development of the subject property shall be subject to all terms and conditions proffered and accepted by the Board of Supervisors subject to the following conditions:

1. In order to reduce hydrocarbon concentrations in runoff, oil grit separators shall be provided for the parking facilities exposed to outside weather conditions such as surface and plaza parking. DEM shall determine the number and placement of the oil grit separators. They shall be designed in harmony with the methods recommended in chapter 8 of the Metropolitan Washington Council of Governments (COG) document entitled Controlling Urban Runoff or with other methods approved by DEM. The oil/grit separator(s) shall be cleaned via vacuum pumping at least four times per year. The qualifications of the maintenance operator shall be reviewed and approved by the appropriate Fairfax County agency as determined by DEM. Oil/grit separator maintenance records shall be kept on-site and shall be made available to County officials upon request.
2. A landscaping plan for office buildings 3, 4, 5 and 6, the parking structure, and plazas shall be submitted to the County Arborist for review and approval and shall be coordinated with the Office of Comprehensive Planning prior to approval by the Director, DEM.
3. The landscaping plan shall provide parking lot landscaping, including landscaping on the top level of the parking structure to soften its visual impact.
4. A plaza landscaping plan shall be provided. In addition the plazas shown at the office building entrances shall be mainly pedestrian-oriented and shall not permit automobile movement to cross pedestrian movement at office building entrances.

5. The pedestrian orientation on the parking deck that takes pedestrians from the office buildings to the stair tower, shall be enhanced to provide for safer, clearly delineated pedestrian use.
6. If not provided for in existing improvements, the applicant shall install a pedestrian signal and crosswalk at the intersection of Nutley Street and Lee Highway subject to VDOT approval.
7. A trail connection shall be provided to the office buildings 3, 4, 5 and 6 from the trail within the Hunters Branch floodplain area.
8. In order to minimize disruption due to the necessary location of utilities in the Hunters Branch EQC, the two proposed 8" sanitary sewer connections mentioned above, shall be relocated along the edge of the proposed parking structure, outside the EQC, and connected to the existing sewer trunk line as close as possible to the existing road crossing, based on final engineering.
9. The proposed clearing limits ("limits") as shown on the CDPA/FDPA is a "not to exceed" limit. In the area located between the proposed parking structure and the "limits", all reasonable measures shall be taken to minimize tree disturbance, as determined by the County Arborist; these measures shall include construction techniques designed to minimize clearing. Any area that must be cleared between the proposed parking structure and the "limits" for the construction of the proposed parking structure shall be replanted with indigenous trees and shrubs to return the area to as natural a state as possible as determined by the County Arborist.

F A I R F A X C O U N T Y

BOARD OF SUPERVISDRS ACTION
ZDNING MAP AMENDMENT
DATE OF ACTION 01/08/90

APPLICATION NUMBER: CA 80-P-039 -02

PRDVIDENCE DISTRICT

APPLICANT: HMCE ASSDCIATES LIMITED PARTNERSHIP

STAFF: BAXTER

APPROVED THE REQUESTED AMENDMENT(S) TO THE PROFFERED CONDITIONS

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: PDC

ACRES: 51.90

PROPOSAL DISTRICT:

ACTION:

PDC
51.90

APPROVE
51.90

TOTAL ACRES

51.90

TOTAL ACRES

51.90

MAP NUMBERS

048-4- /01/ /0001-E ,0001-G ,0001-H P

REMARKS:

ZONING MAP AMENDMENT

CA 80-P-039 -02

ZONING DISTRICT DATA

ZONING DISTRICT: PDC

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD						
SFA						
LOR						
MID	350					
HI						

TOT						

PRDFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLDOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MDTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****	1,200,000	.48

REMARKS:

DEV. INCLUDES PRINC. & SEC. USES PLUS ADOT' 600,000 SQ. FT. RES. DEV.

ZONING MAP AMENDMENT

CA 80-P-039 -02

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1B CONCEPTUAL DEVEL PLAN	1C FINAL DEVELOPMENT PLAN
1E CONDITIONS, PROFFERED	1F CONDITIONS, P DISTRICT
1H WAIVER APPROVED	2A DENSITY
2H RECREATION FACIL/SITES	2J BUILDING HEIGHT
2L FAR	3D ACCESS CONTROL
3E INTERNAL CIRCULATION	3F PEDESTRIAN FACILITY/TRAIL
3I PARKING/LOADING	3Z OTHER - TRANSPORTATION
4A STORMWATER MANAGEMENT/QUALITY	4B TREES/COUNTY ARBORIST
4D BUFFER	4E NOISE ATTENUATION
4F STREAM VALLEY/EQC/FLOODPLAIN	4G TRANSITN *SCRN/BARRIER:WAIVE/MOD

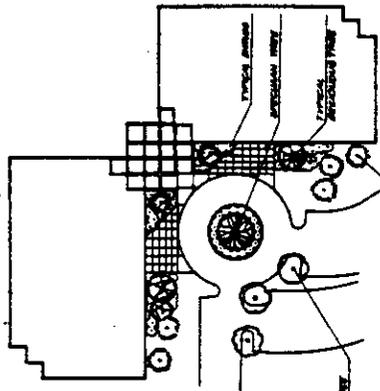
CONTRIB DATA: CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
	\$0		00/00/00	
	\$0		00/00/00	
	\$0		00/00/00	
	\$0		00/00/00	

REMARKS:

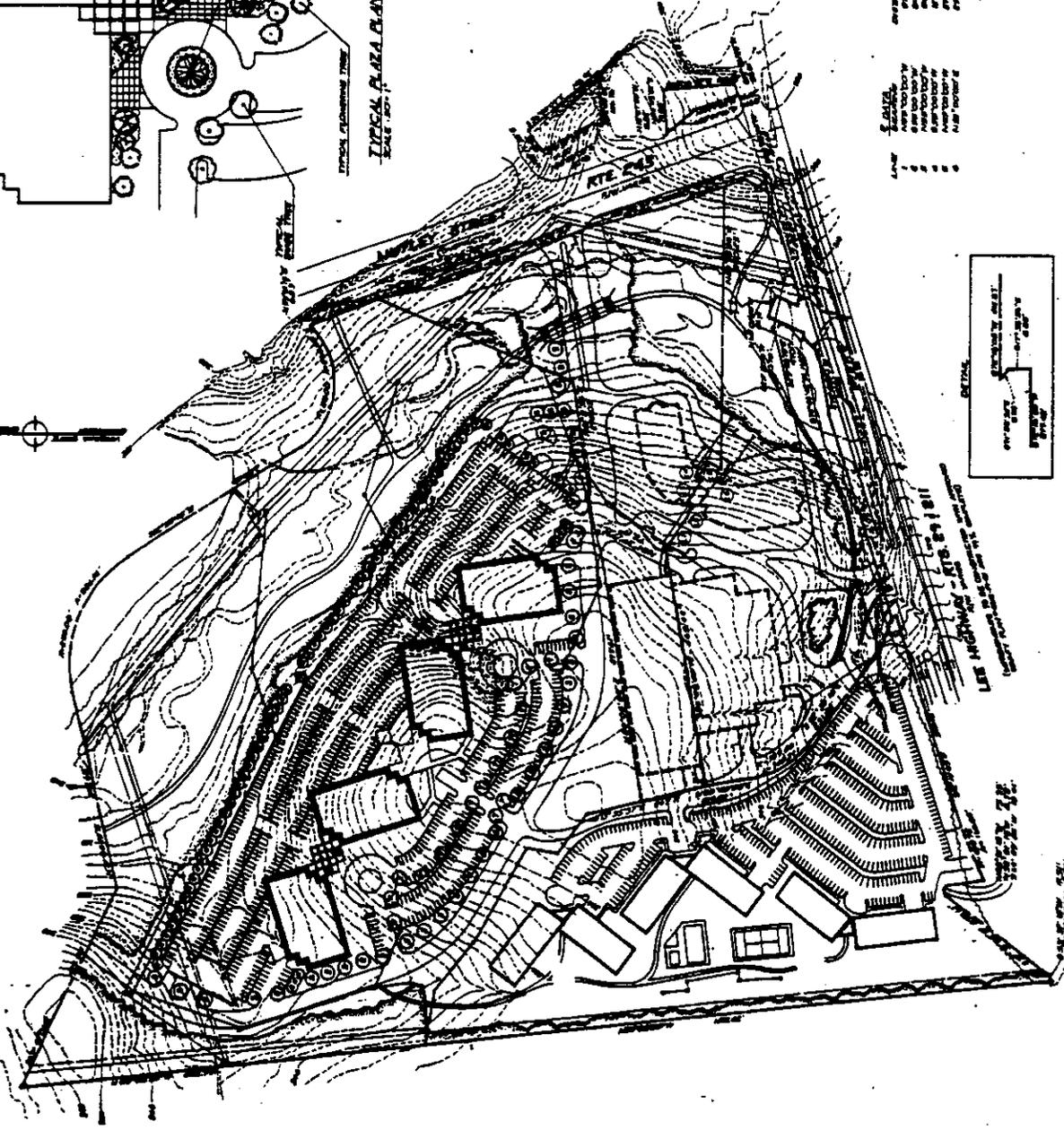
VARIOUS CONTRIBUTIONS TOWARDS TRANS. IMPROVEMENTS AND PROVISION OF 50 UNITS OF LOW/MOD. HOUSING - SEE PROFFERS FOR DETAILS



VICINITY MAP
SCALE: 1" = 500'



IDEAL PLAZA PLANTING PLAN



- ① PROP. STREET TREE
- ② PROP. SHARP TREE
- ③ PROP. SUBSEQUENT TREE

- ④
- ⑤
- ⑥
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CDP/IDEA 80-2-038 A
CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
FINAL DEVELOPMENT PLAN AMENDMENT

HUNTERS BRANCH
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

DATE: 11/11/80
SCALE: 1" = 500'

PROJECT NO. 80-2-038 A
SHEET NO. 1 OF 1

DESIGNED BY: [Name]
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

DATE	BY	REVISION



Amendment adding Land Bay B, residential portion, (10.5A) accepted 6/13/89.
Date Received 1 / 1 / 89
Month Day Year

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

5/18/89

APPLICATION FOR ZONING MAP AMENDMENT

NO. 801 P. 1039-2
COM IDA YEAR DISTRICT NUMBER

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY DEVELOPMENT PLAN AMENDMENT

I (We), FACE ASSOCIATES LIMITED PARTNERSHIP, the applicant(s), of

hereby petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying from the _____ District to the _____ District the property described below and outlined in red on the zoning Section Sheet(s) accompanying and made a part of this application.

PROPERTY DESCRIPTION

LEGAL DESCRIPTION:

On file.
Lot(s) Block(s) Subdivision Deed Book Page No.

NAME(S) AND ADDRESS(ES) OF OWNER(S) OF RECORD:
First American Bank of Virginia, Trustee

TAX MAP DESCRIPTION:
Map No. 15-11 Subdiv. 11 Desig. _____ Block(s) Parcel(s) Total Area 57.9 A. or Sq Ft. _____

POSTAL ADDRESS (if any) DESCRIPTION:
No. and Street P.O. Zip Code

ADVERTISING DESCRIPTION: (Example: South side of Rt. 236 approximately 1000 feet west of Rt. 274)
Northeast quadrant of intersection of Lee Highway and Rutledge Street.

PRESENT USE: Office/residential/permitted secondary uses
PROPOSED USE: Office/residential/permitted secondary uses
SUPERVISOR DISTRICT: _____ AREA PLAN 11 Fairfax

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

AFFIDAVIT

Notary

Martin D. Walsh, Attorney, do hereby make oath or affirmation that to the best of my knowledge and belief the foregoing information contained in this application is true, and:

- (a). That the following constitutes a listing of names and last known addresses of all applicants, title owners, contract purchasers, and lessees of the land described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all agents who have acted on behalf of any of the foregoing with respect to the application:

Name	Address	Relationship
<u>See Attachment.</u>		

Rap... [Signature]

[Handwritten mark]