

PROFFERS

SOUTH STATION LLC

PCA 1996-MV-037-06

RZ 2002-MV-002

RZ 2002-MV-018

July 15, 2002

Pursuant to Section 15.1-2303 (A), Code of Virginia, 1950, as amended, the undersigned Applicant and property owner, for themselves and for their successors and assigns (hereinafter "Applicant"), filed for a rezoning from the PDC District to the PRM District for Property identified as Tax Map 107-2 ((1)) 43 pt.; a rezoning from the R-1 District to the R-1 District for Property identified as Tax Map 107-2 ((1)) pt. 27, and Proffer Condition Amendment for property identified as Tax Map 107-2 ((1)), pt. 43, pt. 44, and pt. 48 (hereinafter referred to as "Application Property"), hereby agree to the following proffers, which, except as modified herein, reaffirm the Proffers dated February 17, 1998 approved with RZ 1996-MV-037, all of which are incorporated herein, provided that the "Board of Supervisors" (hereinafter referred to as "Board") approves the rezoning of Tax Map 107-2 ((1)) 43 pt., to the PRM Zoning District, the rezoning of Tax Map 107-2 ((1)) pt 27 to the R-1 District, and PCA 1996-MV-037-06.

ADD TO 1. DEVELOPMENT PLAN:

- a. Development of the PDC and PRM portions of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (Sheets 1 through 12) (CDP/FDP), prepared by Dewberry & Davis, LLC, and last dated June 17, 2002; provided, however, that minor modifications may be permitted when necessitated by sound engineering or which may become necessary as determined by the Department of Public Works and Environmental Services (DPWES).

REVISE 1. DEVELOPMENT PLAN TO READ:

- c. Applicant shall develop no more than 985 units collectively on the PDH-5 and PRM portions of the Application Property. The PRM portion of the Application Property will be developed with a maximum of 251 units. In addition to the 985 units, the PDC portion of the Application Property includes gross floor area for a maximum of 32 residential units which will be calculated on a gross floor area/floor area ratio basis.

REVISE 2. PERMITTED USES TO READ:

- a. The following additional uses shall be permitted in the applicable PDH-5, PDC, and PRM District portions of the Application Property, as shown on the CDP/FDP:
- PDH-5 District
 - Single-family detached, residential
 - Multi-family residential
 - Community recreation
 - Elderly housing
 - Medical care facility
 - PDC District (Buildings B, C, D, E, F, G, and H)
 - Retail
 - Personal service establishment
 - Office
 - Eating establishment
 - Theater
 - Financial institution
 - Child care center and nursery school with a maximum enrollment of 230 students, as shown on the CDP/FDP
 - Private school of general education/special education with a maximum enrollment of 230 students, as shown on the CDP/FDP
 - Quick service food store
 - Commercial recreation
 - Hotel
 - Fast food restaurant
 - Church
 - Health Club
 - Medical clinic
 - Veterinary clinic

- Post office
- Drive-thru pharmacy, as shown on the CDP/FDP
- PRM District (Building A)
 - Multifamily residential
 - One of the 251 multi-family units may be reserved for short term rentals as an executive suite within the PRM portion of the Application Property that is the subject of RZ 2002-MV-002 for use by guests of residents living in the multi-family building. In the event that such a suite is provided, it may be used for guests of residents living in the Lorton Station development subject to availability and any fees established by the management of the apartment building.

ADD TO 3. NOISE ATTENUATION:

- d. Music emanating from the carousel shall comply with Fairfax County noise ordinance regulations. In addition, after 9:00 p.m. on non-holiday weekday evenings (Monday through Thursday) and after midnight on weekend and holiday evenings, there will be no carousel music.

REVISE 4. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES TO READ:

Stormwater Management (SWM) shall be provided subject to waivers approved by DPWES in accordance with applicable provisions of the Public Facilities Manual (PFM).

REVISE 6. TREE SAVE/CLEARING AND GRADING TO READ:

- a. The Applicant will strictly adhere to the limits of clearing and grading as generally described on the current CDP/FDP. The limits of clearing and grading shall be flagged prior to any permitted clearing and grading activity.
- c. Trees to be preserved shall be protected by tree protection fencing placed at tree driplines. Tree protection fencing shall consist of 4-foot high, 14 gauge welded wire attached to 6-foot steel posts driven 18-inches into the ground and placed no further than 10-feet apart. Tree protection fencing shall be installed prior to any work being conducted on the site, and placed at all limits of clearing and grading. The fencing shall be made clearly visible to all construction personnel and shall remain in place during all phases of construction in that area, as determined by the Urban Forestry Division.

- e. Areas of disturbance in the RPA not required for installation or relocation of those utilities and trails shown on the CDP/FDP should be revegetated, as applicable. A landscape plan and a reforestation plan for the cleared and graded area shall be submitted as part of the first site plan submission. These plans shall be reviewed by the Urban Forestry Division and approved by the Director of DPWES. The reforestation plan shall incorporate native grasses and native tree seedlings and whips (2-4 feet in height) in the plant schedule, and shall include information regarding the timing, methods of installation, and long-term maintenance commitments to ensure establishment.
- g. Measures will be taken to save designated trees, if possible, in the open space area located between the multi-family building that is the subject of Rezoning Application RZ 2002-MV-002 and the Lorton Station recreation center and to supplement with landscaping as generally shown on the Landscape Plan inset located on Sheet 5 of 12 of the CDP/FDP. Such tree save and supplemental landscaping will be subject to extension of utilities, Fire Marshal fire lane requirements, final building location, and engineering issues, as approved by the Urban Forestry Division.

REVISE 7. LANDSCAPING TO READ:

- a. Delete subparagraph 3. which reads: Building foundation planting, peripheral and internal parking lot landscaping and plaza landscaping within the "Town Center"
- b. Peripheral and interior parking lot landscaping and plaza landscaping within the Town Center will be provided as generally shown on Sheet 5 of 12 of the CDP/FDP, in coordination with the Urban Forestry Division.
- c. Street trees along the Town Center's Lorton Station Boulevard frontage will range in height from 16 to 20 feet at initial planting, and will have a minimum caliper measurement of 3 ½ inches, and shall be planted a minimum of 40 feet on center.
- d. Maintenance of the landscaping that is located in the residential PRM portion of the Application Property will be the responsibility of the multi-family building's management. Maintenance of the landscaping that is located in the commercial portion of the Application Property will be the responsibility of the commercial Town Center's management/owners association.

REVISE 8. TRANSPORTATION TO READ:

- L. With the exception of the existing public road that provides access to the VRE from Lorton Station Boulevard, streets within the Application Property will be private and will be maintained by the commercial Town Center's management/owners association.

- M. A connection between the VRE parking lot and the Application Property will be made as generally shown on the CDP/FDP to provide for intra-parcel vehicle trips between the two properties. A public access easement shall be provided if deemed necessary by DPWES.

REVISE 9. RECREATION TO READ:

- c. Town Square Amenities. The town square area located in the retail portion of the Application Property will be designed to accommodate a number of special activities to be scheduled on a regular basis, including but not limited to, farmers markets, festivals, art shows, concerts, family/children's activities, performances and open-air markets. A bandstand structure having a minimum size of 700 square feet, as generally illustrated on Sheet 9 of the CDP/FDP, will be constructed to serve as a staging area, complete with electrical hookups, sound amplification, and lighting deemed necessary for the uses intended. Options for public seating and gathering shall be accommodated in the design of the town square area as generally depicted on the town square illustrative on Sheet 10 of 12 of the CDP/FDP. Events will be coordinated through the commercial Town Center's management/owners' association, and will include events/activities which are community sponsored as well as any that are scheduled by the Town Center.
- d. Town Center Activity Features. In addition to a bandstand, other activity features will be provided in the Town Center as follows:
- A caboose in the general location shown on the CDP/FDP.
 - A carousel in the general location shown on the CDP/FDP.
 - A piece of play equipment for toddlers that follows a train theme to be located in the vicinity of the carousel and caboose/railroad car.
 - Ornamental metal fencing to be placed around the caboose/railroad car, carousel, play feature, and associated open space as described above.
 - A nature overlook consisting of a grassy open area with one or more picnic tables and seating to be constructed in proximity to Building C along the trail detailed in Proffer 21. b.
 - An active recreation feature (sport court, multi-purpose court) in the vicinity of Lorton Town Center or, at the option of the Applicant, a donation of \$20,000 to the Lorton Station Homeowners Association for development of active recreation in Lorton Station or at the Lorton Station elementary school site.
 - The seeding and stabilizing of the cleared slope that provides a natural

amphitheater in the vicinity of the sanitary sewer outfall easement northwest of the proposed apartment building. The purpose is to maintain this existing grassy area for lawn type seating and viewing of Pohick Creek and its surroundings.

- e. A pool and fitness center will be provided for the exclusive use of the residents of the multi-family building.
- f. In the event the value of the recreational improvements, equipment and amenities outlined in paragraphs c., d., and e. above do not equal or exceed the amount of \$955 per approved and developed residential unit in the combined PRM and PDC District areas, then the Applicant shall contribute the difference to the Fairfax County Park Authority for improvements within the Lorton area.

REVISE 14. SIGNS TO READ:

- a. All entry features and commercial signage shall be in conformance with Article 12 of the Zoning Ordinance unless a comprehensive sign package is submitted to the County for approval. Signage will conform to the general standard set forth on pages 27 and 28 of the Design Guidelines dated March 18, 2002, which pages are attached as Exhibit A.
- b. Neon signs will not be permitted on building facades that abut and face Lorton Station Boulevard.
- c. No temporary signs (including 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 during the marketing of the homes on the Application Property. The Applicant shall not post or cause others to post temporary signs to market the homes on the Application Property.

REVISE 15. ARCHITECTURE TO READ:

- a. Except as proffered herein multi-family and commercial buildings shall be subject to the height restrictions shown on the CDP/FDP and shall be constructed with architectural features and their corresponding maximum building elevations generally conforming to the illustrative elevations shown on the CDP/FDP and attached Exhibit B.
- h. The architectural style and scale of the PDC District buildings shall be in general conformance with the Lorton Station Boulevard elevations shown on Sheets 10 and 11 of the CDP/FDP and shall create an integrated design that is compatible with the proposed residential development in the PRM District. Compatibility between

buildings shall be achieved through the use of complimentary architectural styles, materials, mass, proportions, color, and quality of design details. Accent colors may be used on areas such as doors, windows, awnings and other trim or architectural details as may be appropriate to convey a corporate identity. The primary building materials on the facades of the commercial buildings which front Lorton Station Blvd. (including the front of Building C), the VRE access road and the driveway into the multi-family building shall be primarily glass and masonry. The rear facades of Buildings B, D, E, F, G, and H shall be finished with similar architectural treatment and/or colors. Where siding is proposed as depicted on the attached Exhibit C, it shall be a cementitious (e.g. Hardiplank or comparable) material.

- i. Commercial buildings identified on the CDP/FDP as E, F, G and H shall have similar architectural treatment on the side facing Lorton Station Blvd and the side facing the VRE Access Road.
- j. Outdoors seating and courtyards in the commercial area shall be integrated with the overall design of the restaurant/retail buildings to enhance the pedestrian character of the Application Property. Street furniture shall be provided in accordance with the design motif that has already been established for the Lorton Station community.
- k. Buildings B, C & D, located on the town square, shall be at least two stories in height.
- l. To the extent permitted by law, satellite dishes will only be installed on the rear of buildings/rooflines in the commercial area. Where permitted, no more than one satellite dish will be installed per building footprint.
- m. The multi-family Building A that is the subject of RZ 2002-MV-002 shall be a maximum of 3 stories in height on the portion of the building closest to Lorton Station Boulevard with the remainder of the building having a maximum height of 4 stories when viewed from Lorton Station Boulevard as shown on the illustrative entitled "3 Story Step Up to 4 Story Condition" on Sheet 11 of 12 of the CDP/FDP. The proposed building height will not preclude exposure of the basement level toward the rear of the four-story portion of the building. The Lorton Station Boulevard facade of the residential building will consist a majority of glass and masonry materials but may also include siding, as shown on the illustrative entitled "Perspective Along Lorton Station Blvd." on Sheet 11 of 12 of the CDP/FDP.

REVISE 18. OFFICES TO READ:

- m. The Applicant shall provide a minimum of 40,878 gross square feet of office space in the Town Center.

ADD 20. COMMERCIAL AND RESIDENTIAL PHASING TO READ:

The site plan for the commercial portion of the Application Property that is located south of the VRE access road will be approved and bonded prior to issuance of building permits for the multifamily use proposed in the PRM-zoned portion of the Application Property that is the subject of RZ 2002-MV-002. Building permits for the residential building (Building A) in the PRM District will be issued with or subsequent to the issuance of building permits for commercial buildings B, C and D within the PDC District.

ADD 21. TRAILS/SIDEWALKS TO READ:

- a. As generally illustrated on the CDP/FDP, a trail connection will be made from the Town Center to the trail being developed in open space located to the west of the Lorton Station recreation center. The portion of the trail located on the Application Property will be field located so as to minimize grading and clearing of healthy mature trees.
- b. As generally illustrated on the CDP/FDP, a nature trail consisting of varied widths and materials will be constructed in the open space located to the west of the Town Center and will extend under the railroad bridge crossing of Pohick Creek, through Parcel 27 and 27a, and under the I-95 bridge crossing of Pohick Creek subject to acquisition of off-site easements and jurisdictional permits from others, and subject to being able to implement this recreational improvement without further zoning amendments or applications. The Applicant shall diligently pursue obtaining necessary offsite easements. The trail will be bonded with the final site plan within the PDC area, unless one or more of the off- site owners specifically refuses to grant the needed easement(s) for the trail. The trail will be field located so as to minimize grading and clearing of healthy mature trees.
- c. The nature trail referenced in Paragraph B above, consisting of varied widths and materials, will be extended from Pohick Creek to connect via a sewer line easement to the greenway trail approved in RZ 2001-MV-025, subject to appropriate grading and sewer line construction by others and subject to the acquisition of off-site easements and jurisdictional permits for the trail, and subject to being able to implement this trail improvement without further zoning amendments or applications. The Applicant shall diligently pursue obtaining necessary offsite permits and easements and will provide written evidence to DPWES of attempts to obtain such easements and permits and, if applicable, title owner refusal to grant easements and permits. The trail will be bonded with the final site plan within the PDC area, unless one or more of the off- site owners specifically refuses to grant the needed easement(s) for the trail. In the event off site easements and permits are not available, the Applicant shall escrow funds for those portions of this trail for which

easements can be acquired. The value of the escrow shall be determined by DPWES.

- d. Designated crosswalks, selected sidewalk areas, and the road surrounding the Town Square portion of the Application Property will be treated with special paving materials such as scored concrete, brick or bomanite as generally illustrated on the CDP/FDP.
- e. The sidewalk located along the Lorton Station frontage of the proposed multi-family building that is the subject of RZ 2002-MV-002, will be reconstructed with special paving materials (scored concrete, brick or bomanite) to a width of six feet, and will be tapered to the width that currently exists at the point where the recreation center path connects to the sidewalk.

ADD 22. PARK DEDICATION TO READ:

At time of Site Plan approval for the PDC development, Parcel 27 at Tax Map 107-2 ((1), will be dedicated in fee simple to the Fairfax County Park Authority for park purposes. In the event that the Fairfax County Park Authority does not accept the dedication, the Applicant shall convey the parcel to the Town Center's management/Owners Association for trail maintenance purposes, and the Property shall remain as undisturbed open space.

ADD 23. LIGHTING TO READ:

- a. Full cut off lighting fixtures shall be used in all surface parking lots within the PDC District.
- b. Semi cut off lighting fixtures shall be used for the ornamental street lighting that will be placed along Town Center streets if such fixtures are available in the general styles depicted on Sheet 9 of the CDP/FDP.
- c. In order to minimize nighttime light pollution and glare, uplighting for design elements shall be limited to that necessary for illumination of town center fountains. Additional uplighting for signs (unless approved in conjunction with a comprehensive sign package), landscaping or architectural illumination shall not be permitted. Security lighting, such as "wall packs", lighting for pedestrian paths, and other common areas, shall also be shielded and directed downward.

ADD 24. OTHER TO READ:

- a. A minimum of 5,000 square feet on the second floor of Building C will be available to be reserved for private events and community activities a minimum of four week nights per month and as available on weekends and other weekday evenings.
 - FEES: Nominal fees may be required for community use based on the cost of operating and maintaining the facility. Private use of the facility may be

subject to an established user fee.

- HOURS OF OPERATION: Upon issuance of non-RUPS for 80% of the total commercial space comprising Buildings B, C, D, E, and F, the hours of operation for the function/assembly space will be limited to weekday evenings, weekends and holidays in keeping with the attached Deed of Easement recorded in Deed Book 12739 at page 1835 attached hereto as Exhibit D. As per the provisions of the easement, weekday evenings shall be deemed to be from 5:00 p.m. until 2:00 a.m. Monday through Thursday nights, and weekends shall be deemed to be from 5:00 p.m. on Friday through and until 2:00 a.m. on Monday. Holiday use shall be deemed to be for Federal holidays, starting at 5:00 p.m. the day before the holiday and ending at 2:00 a.m. the day following the holiday.
 - Prior to the issuance of non-RUPS for 80% of the total commercial space in Buildings B, C, D, E and F, the function/assembly space may use built, but unused, parking spaces in the commercial area, which would permit use of this space outside of the hours listed above. Additionally, the Applicant reserves the right to seek a subsequent shared parking agreement, which would be subject to the County's review and approval, to permit the function/assembly space to be used outside of the hours listed above.
- b. PRM District Use. In addition to the structured parking, architectural/landscaping details, pool, and fitness center features that have been proffered, the multifamily building shall be subject to the following:
- Such high end features as a great room, resident kitchen/entertainment area, audiovisual room, conference room, business center, and sauna will be incorporated into the building;
 - A minimum of 30 units will be identified as penthouse units with high end finishes (for example, crown molding, chair rails, cabinets, light fixtures, paint, appliances) incorporated into these units;
 - Applicant having previously developed and placed in service 248 moderate income apartments within Land Bay K of the subject development, the proposed Town Center apartments within the PRM District shall be available for lease at market rates without regulatory income or rent restrictions.
 - Occupancy limits for residential units in this multifamily building will comply with the occupancy provisions of the Fairfax County Code.
- c. Bike racks and dog tether areas will be provided in the commercial area.
- d. All service areas, loading facilities, and trash dumpsters shall be screened from view

through fencing, landscaping or building design.

- e. Daily trash pickup within the commercial portion of the Application Property will be between the hours of 8:00 a.m. and 5:00 p.m.
- f. To the extent permitted by law, satellite dishes will only be installed on the rear of buildings/rooflines in the commercial area. Where permitted, no more than one satellite dish will be installed per building footprint.
- g. In the event that a childcare center or a private school is provided on site, the hours of operation will be 5:30 a.m. to 7:00 p.m.; however periodic special meetings and school functions may extend to 9:00 p.m.

[SIGNATURE LINES BEGIN ON FOLLOWING PAGE]

PCA 1996MV-037-06

RZ 2002-MV-002

RZ 2002-MV-018

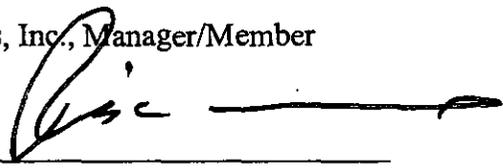
APPLICANT/TITLE OWNER:

SOUTH STATION, LLC

By: KSI America, L.P., Manager/Member

By: KSI Services/America, L.L.C., General Partner

KSI Services, Inc., Manager/Member

By: 

Richard W. Hausler, President

[END SIGNATURES]

FINAL DEVELOPMENT CONDITIONS

FDP 2002-MV-002

July 16, 2002

If it is the intent of the Planning Commission to approve FDP 2002-MV-002 located at Tax Map 107-2 ((1)) 43 pt. for multi-family uses zoned PRM, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions which apply only to the PRM District of the Lorton Town Center.

- *1. Private streets within the development shall be constructed in conformance with Public Facilities Manual public street standards for materials and depth of pavement, subject to DPWES approval.
- *2. Prior to any clearing or grading on the site, the limits of the RPA, EQC, and wetlands shall be fenced and flagged to prevent intrusions into these areas, subject to DPWES approval. The fencing or other suitable barriers shall remain in place during all phases of construction in the adjacent area, as determined by DPWES. Notwithstanding Note 11 on the CDP/FDP, the limits of the EQC/RPA and limits of clearing and grading shall be strictly as shown on the CDP/FDP and shall be reflected on the final site plans. No additional intrusions into the RPA/EQC or the limits of clearing and grading shall be permitted, except for 1) those areas where intrusions have already occurred and restoration is to be provided; and 2) the provision of trails and a natural overlook / passive recreational seating or picnic area (as referenced in Proffer 9.D) as may be permitted by DPWES under Chapter 118 of the Code of Fairfax County, Chesapeake Bay Preservation Ordinance.
3. The trail which is proposed to be constructed in the RPA/EQC shall be field located in order to minimize disturbance to existing vegetation, subject to Urban Forestry approval. Replanting of disturbed areas, where appropriate, shall be provided, subject to Urban Forestry approval.
- *4. Provisions of the Soil Erosion and Sedimentation Control Ordinance shall be strictly enforced. Areas which are disturbed for the purpose of removing fill for transport to other sections of the site shall be stabilized and seeded immediately following soil removal, as determined by DPWES in coordination with Urban Forestry. Disturbance and/or soil removal which damages trees in peripheral areas which are proposed to be saved shall not be permitted, subject to Urban Forestry review and approval.
5. In the event the Landscape Plan Alternative is implemented along the south side of the PRM District, all reasonable efforts to preserve the trees depicted in the Plan shall be taken, in coordination with the Urban Forester. Utilities which must be located in this area shall be located to minimize disturbance of the existing trees, to the maximum extent feasible, as approved by the Urban Forester.

Additional trees shall be planted along this southern property boundary, as recommended by the Urban Forester, to enhance the screening of the building.

6. Notwithstanding Note 11 on the CDP/FDP, the limits of the EQC/RPA and limits of clearing and grading shall be strictly as shown on the CDP/FDP and shall be reflected on the final site plans. No additional intrusions into the RPA/EQC or the limits of clearing and grading shall be permitted, except for 1) those areas where intrusions have already occurred and restoration is to be provided; and 2) the provision of trails and a natural overlook / passive recreational seating or picnic area (as referenced in Proffer 9.D) as may be permitted by DPWES under Chapter 118 of the Code of Fairfax County, Chesapeake Bay Preservation Ordinance.

FINAL DEVELOPMENT CONDITIONS

FDPA 1996-MV-037-03

July 16, 2002

If it is the intent of the Planning Commission to approve FDPA 1996-MV-037-03 located at Tax Map 107-2 ((1)) 43 pt., 44 pt. and 48 pt. on 16.45 acres for commercial uses zoned PDC, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions which apply only to the PDC District of the Lorton Town Center. The development conditions dated February 9, 1998, which were imposed with approval of FDP 1996-MV-037 remain in full force and effect except as may be superceded here. Development conditions with asterisks are previously approved development conditions which were approved pursuant to FDP 1996-MV-037.

- *1. Private streets within the development shall be constructed in conformance with Public Facilities Manual public street standards for materials and depth of pavement, subject to DPWES approval.
- *2. Prior to any clearing or grading on the site, the limits of the RPA, EQC, and wetlands shall be fenced and flagged to prevent intrusions into these areas, subject to DPWES approval. The fencing or other suitable barriers shall remain in place during all phases of construction in the adjacent area, as determined by DPWES.
- *3. At the time of site plan approval for the central town green, an area within the central area of the town center shall be reserved for a historical marker, plaque, or statue to be designed and purchased by area residents which commemorates the history of southeast Fairfax County.
4. The trail which is proposed to be constructed in the RPA/EQC shall be field located in order to minimize disturbance to existing vegetation, subject to Urban Forestry approval. Replanting of disturbed areas, where appropriate, shall be provided, subject to Urban Forestry approval.
- * 5. Provisions of the Soil Erosion and Sedimentation Control Ordinance shall be strictly enforced. Areas which are disturbed for the purpose of removing fill for transport to other sections of the site shall be stabilized and seeded immediately following soil removal, as determined by DPWES in coordination with Urban Forestry. Disturbance and/or soil removal which damages trees in peripheral areas which are proposed to be saved shall not be permitted, subject to Urban Forestry review and approval.

6. Notwithstanding Note 11 on the CDP/FDP, the limits of the EQC/RPA and limits of clearing and grading shall be strictly enforced as shown on the CDP/FDP and shall be reflected on the final site plans. No additional intrusions into the RPA/EQC or the limits of clearing and grading shall be permitted, except for 1) those areas where intrusions have already occurred and restoration is to be provided; and 2) the provision of trails and a natural overlook / passive recreational seating or picnic area (as referenced in Proffer 9.D) as may be permitted by DPWES under Chapter 118 of the Code of Fairfax County, Chesapeake Bay Preservation Ordinance.