

RZ-2002-BR-003
YOUNG H. SONS-RAVENSWORTH PROPERTY
PROFFER STATEMENT

June 28, 2002

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of rezoning application RZ-2002-BR-003, as proposed, for rezoning from the R-4, District to the R-5 District and, the owner Young H. Son (the "Applicant"), for himself and his successors and assigns, hereby proffer that development of Tax Map Parcels 71-1-((1))-52 containing approximately 1.56 acres, shall be in accordance with the following proffered conditions:

1. **Substantial Conformity.** The Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") consisting of two (2) sheets prepared by BC Consultants, entitled Ravensworth Road Generalized Development Plan, dated November, 2001, revised through May 28, 2002 and as further modified by these proffered conditions.
2. **Minor Modifications to Design.** Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP provided such changes are in substantial conformance with the GDP and proffers, and do not increase the total number of units or decrease the minimum amount of open space shown to be provided on the Property. The amenity area shown, and the minimum amenities within each area shall be provided as shown.
3. **Maximum Density.** A maximum of 6 dwelling units shall be permitted on the Property.
4. **Landscaping and Design Amenities.** Landscaping shall be consistent with the quality, quantity and the locations shown on Sheet 1 of the GDP. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted for the applicable development section, at the time of first and all subsequent submissions of the site plan, for review and approval by the Urban Forestry Division. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual ("PFM") criteria, as determined by the Urban Forester. Refer to "Exhibit A" for plant selections. Site amenities such as an entry sign, light posts and benches shall be located as depicted on the GDP, and shall be of a quality consistent with the illustrative shown on Sheet 1 of the GDP.
5. **Right-of-Way Dedication.** All road right-of-way ("ROW") dedicated in conjunction with these proffers and/or as depicted on the GDP shall be conveyed to the Board in fee simple upon demand by Fairfax County (the "County") or at the time of final site plan approval for the development, whichever occurs first, and shall be subject to Proffer 13 regarding reservation of development intensity to the residue of the subject Property.

- A. Frontage Improvements. The Applicant shall provide curb, gutter, and sidewalks to Tax Map Parcel 71-1-((1))- 52. These treatments shall be provided at the time of development of the property.
6. Private Streets. All private streets will be constructed with materials and depth of pavement standards consistent with public street standards in accordance with the PFM, as determined by DPWES. The Homeowners Association ("HOA") shall be responsible for the maintenance of all private streets & driveways within the development. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets & driveways serving the development. A start up maintenance fund will be established in the amount of Six Thousand Dollars (\$6,000 .00).
7. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the GDP subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the Urban Forestry Division. A replanting plan shall be developed and implemented, subject to approval by the Urban Forestry Division, for any areas outside the limits of clearing and grading that must be disturbed. All limits of clearing and grading shall be protected by temporary fencing consisting of four 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. The temporary fencing shall be installed prior to any work being conducted on the site, and signage identifying "Keep Out - Do Not Disturb" shall be provided on the temporary fence and made clearly visible to all construction personnel.
8. Stormwater Management. The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property as determined by DPWES. Stormwater management facilities/Best Management Practices ("BMPs") shall be provided as generally depicted on the GDP. Further, the Applicant shall grant an easement to Fairfax County, in a location approved by DPWES at the time of final site plan approval, to provide access to the stormwater management pond. The stormwater management facility shall be landscaped to the maximum extent feasible, as determined by the Urban Forestry Division, pursuant to the policy adopted by the Board of Supervisors, using native or other desirable species. The HOA shall maintain all landscaping adjacent to such stormwater management facility. In the event a waiver is granted for the stormwater management facility, the area designated as the pond location will remain as landscaped open space; amenities such as benches may be included in this area. Flexibility with the entrance road location could allow for additional tree save areas if possible.
9. Homeowners Associations. A Homeowners Association ("HOA") shall be created. The responsibilities of the HOA shall include, but not necessarily be limited to: snow removal, maintenance of the open space, private streets and driveways, and parking areas

as shown on the GDP. All of the residents of the proposed units within the Property shall be members of the HOA. Each member of the HOA will be notified at the time of purchase of the responsibilities of the HOA.

10. Energy Efficiency. All homes constructed on the Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either electric or gas energy systems.
11. Garages. The Applicant shall place a covenant on each townhouse garage unit that prohibits the use of the garage for any purpose which precludes motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The minimum driveway shall be 18 feet in length without overhanging into the sidewalk and a width that accommodates a two car garage.
12. Open Space. At the time of site plan approval, the Applicant shall convey all open space parcels and all open space areas outside private lot lines to the HOA for ownership and maintenance.
13. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board or any other County agency 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 Property.
14. Architectural Elevations and Typical Landscaping. The building elevations and typical landscaping for the proposed units shall be generally in character with the conceptual elevation as shown on the GDP, as determined by DPWES.
15. Sidewalks. Sidewalks shall be provided at the time of development generally as depicted on the GDP. Sidewalks shall be subject to public access easements, in standard County format, wherever they are located outside of the public right-of-way or public ownership. The sidewalk network shall be extended to the Property boundaries and designed to connect to off-site portions, as appropriate. Notwithstanding all of the aforesaid, the Applicant shall have no obligation to construct off-site sidewalks or trails.
16. Illegal Signs. No temporary signs (including "popsicle" style 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 the Applicant or at the Applicant's direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in the marketing and sale of the residential units on the Property to adhere to this Proffer..

17. 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, assigns, and/or developer(s) of the Property or any portion of the Property.
18. Tree Save and Preservation
- a. At the time of site plan review, the Applicant shall designate on the site plan the limits of clearing and grading consistent with the Plan to be observed during construction and, in addition, will designate any individual trees to be preserved on the lots. Such designation shall be subject to approval by the Urban Forestry Division and shall not reduce the number or alter the size or location of proposed dwelling units, as defined by the building restriction lines.
 - b. In addition, prior to site plan approval, a replacement value shall be assigned by a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to all healthy trees measuring ten (10) inches or larger in diameter which are either individually designated as required under this proffer or are located within the limits of clearing and grading as shown on the GDP. At the time of site plan approval, Applicant will post a cash bond or a letter of credit payable to the County of Fairfax in such an amount assigned as replacement value to ensure preservation and/or replacement of the designated trees. The calculated replacement values shall be reviewed and approved by the Urban Forestry Division prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to approval by the Urban Forestry Division, and the total amount of the cash bond or letter of credit will not exceed the sum of such assigned values or Twenty Thousand Dollars (\$20,000.00), whichever is less. In the event that the bond or letter of credit is called by Fairfax County for tree replacement, another bond or letter of credit of equal value will be posted within thirty (30) days of request by Fairfax County. Replacement of trees by shall be in accordance with the guidelines of the Fairfax County Public Facilities Manual (PFM).
 - c. During construction, The Urban Forester or aforementioned professional shall periodically inspect the project and determine if any of the designated individual trees are dead or dying due to acts of negligence by the Applicant or directly due to the development of the project. The Applicant may then draw funds from the cash bond or letter of credit in order to remove and replace such dead or dying trees according to the assigned value as defined by the Guide for Plant Appraisal.
 - d. Any funds received by Fairfax County pursuant to this proffer shall be utilized solely to preserve, restore to health or replace designated trees on Applicant Property.

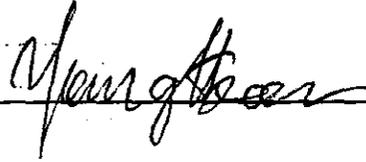
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- e. The letter of credit or cash bond will be released simultaneously when the conservation deposit for the development is released.

[SIGNATURES ON FOLLOWING PAGE]

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Young H. Son, *Title Owner of Parcel 71-1-((1))-52*



Andrew J. Kim, *Agent Applicant 71-1-((1))-52*

