

PROFFERS
PCA 2002-PR-008-02
January 9, 2007

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment/final development plan amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-2((32))12,13, 14, 15, 16, 19, 20, 21, 22, 23, 47 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ 2002-PR-008, dated September 16, 2002, and as amended by proffered conditions accepted by the Board of Supervisors in the approval of PCA 2002-PR-008 and RZ 2003-PR-014, dated August 19, 2003, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 2002-PR-008, RZ 2003-PR-014 and PCA 2002-PR-008. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the 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agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

Add new proffer I GENERAL, I (a)

I. GENERAL

1(a). Substantial Conformance. The development of the Property subject to PCA 2002-PR-008-2 shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) containing seven sheets prepared by Urban Engineering & Associates, Inc., dated October, 2005 and revised through December 6, 2006. To the extent there is a conflict between the previously approved CDP/FDP and the CDPA/FDPA associated with PCA 2002-PR-008-2, the CDPA/FDPA associated with PCA 2002-PR-008-2 shall govern. Items or commitments reflected on the approved CDP/FDP and CDPA/FDPA and not affected or amended by the latest CDPA/FDPA shall continue to govern, with the exception of the dwelling on Lot 47 which shall be demolished and shall be replaced with the dwelling on shown on CDPA/FDPA.

Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include the overall number and type of units and the general location and orientation of streets, open space and tree save areas and setbacks, although setbacks for Lot 47 shall be modified as shown on the CDPA/FDPA approved with PCA 2002-PR-008-02.

Replace Existing Proffer I, GENERAL, 2 (new language is shown underlined))

2. Lot Yield and Orientation of Units. The development, subject to RZ 2002-PR-008 and RZ 2003-PR-014, shall consist of a maximum of 87 single family detached residential units (inclusive of the required ADUs) that are generally contained within two land units identified as Land Unit A, consisting of approximately 14.06 acres and 63 residential units; and Land Unit B, consisting of approximately 9.6 acres and 24 residential units. Unit designs shown on the CDPA/FDPA, dated January 2003 and revised through August 18, 2003 for Land Unit A are conceptual and subject to change provided that any such changes shall conform to the "Lot typical" shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003 and the requirements of these proffers. The general orientation of the front and rear of the units shall be as shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003, i.e. units 1-9, 40-46, and 51-61 shall be rear loaded units. The entrance for the unit on Lot 87 shall be oriented to the proposed private street (not to Nutley Street). In addition, notwithstanding the lot typical shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003 and Unit 1 shall have a front yard setback from Swanee Lane Extended that is consistent with that shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003 (25 feet for Lot 1) and Units 24 and 25 shall have a minimum front setback consistent with Units 32 and 33 as referred on the "Land Bay A Option 2" lot typical. Notwithstanding the lot typical contained within the CDPA/FDPA dated January 2003 and revised through August 18, 2003, those units on corners lots shall reflect setback as generally shown on the CDPA/FDPA dated January 2003 and revised through August 18, 2003. The setbacks of Lot 47 shall be as shown on the CDPA/FDPA dated October, 2005 and revised through December 6, 2006. Rear

decks for Lots 12-16 and 19-23 must maintain a total minimum 5-foot separation between the deck and rear lot line.

Add new proffer, I GENERAL, 25:

I. GENERAL

25. At the time of the issuance of the building permit for the dwelling on Lot 47, the Applicant shall contribute a sum of \$500.00 to the Providence Tree Preservation and Planting Fund.

Add new proffer, I GENERAL, 26:

26. At the time of the issuance of the building permit for the dwelling on Lot 47, the Applicant shall contribute a sum of \$500.00 to the Oakton Library.

Add new proffer, III ENVIRONMENTAL, 5(a):

III. ENVIRONMENTAL

5 (a). Tree Preservation/Limits of Clearing and Grading on Lot 47. The applicant shall make best and reasonable efforts to preserve the 4-inch dogwood and two 18-inch beech trees on Lot 47. Efforts shall include, but are not limited to, the following:

- A tree preservation walk through meeting with a representative of Urban Forest Management. The site walk with an Urban Forest Management

representative shall be conducted on Lot 47 prior to which the limits of clearing and grading as shown on the CDPA/FDPA shall be marked with a continuous line of flagging. The purpose of this walk shall be to maximize the potential to save the trees indicated above. The limits of clearing and grading shown on the CDPA/FDPA dated October, 2005 and revised through December 6, 2006, for Lot 47 may be modified based on this site walk and on final site grading in order to maximize the potential to save the above referenced trees.

- The installation of tree protection fencing around the limits of clearing and grading on Lot 47. Tree protection fencing shall be in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.
- The opportunity for UFM, DPWES review of tree protection fencing installation. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed in a manner to adequately protect the identified trees to be saved based on approved demolition and/or clearing and grading activities. If it is determined that the fencing has not been installed correctly,

no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

Add new proffer, III ENVIRONMENTAL, 9(a):

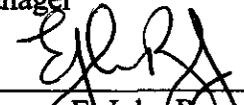
9 (a). Demolition of Existing Structures on Lot 47. The demolition of existing features and structures on Lot 47 shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are shown within the limits of clearing and grading, both on the subject property, and any adjacent off-site trees.

TITLE OWNERS AND APPLICANT SIGNATURES TO FOLLOW ON THE NEXT
PAGE:

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BRIARWOOD TRACE ASSOCIATES, L.L.C.
Title Owner of TM 48-2((32))47

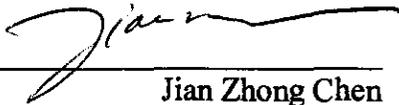
By: Christopher Management, Inc.
Its: Manager

By: 
E. John Regan, Jr.
Its: Executive Vice President

THE CHRISTOPHER COMPANIES, dba CHRISTOPHER MANAGEMENT, INC.
Applicant/Agent for TM 48-2((32))14-16, 19-23, 47

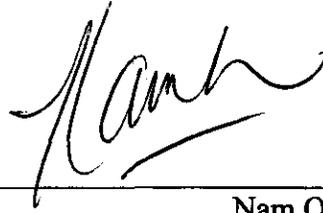
By: 
E. John Regan, Jr.
Title: Executive Vice President

Jian Zhong Chen
Title owner of TM 48-2((32))12



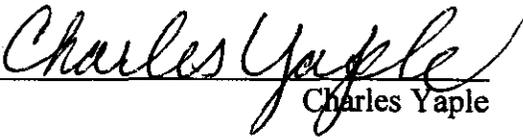
Jian Zhong Chen

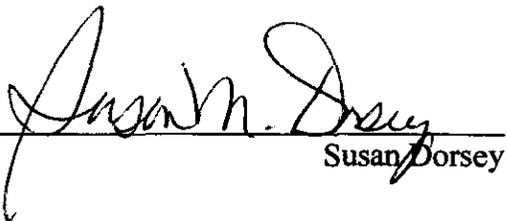
Nam Quang Huynh
Title Owner of TM 48-2((32))13

A handwritten signature in black ink, appearing to read 'Nam', written over a horizontal line.

Nam Quang Huynh

Charles Yaple
Susan Dorsey
Title Owners of TM 48-2((32))14


Charles Yaple


Susan Dorsey

Dun Chao Lin
Feng Yu Zheng
Title Owners of 48-2((32))15

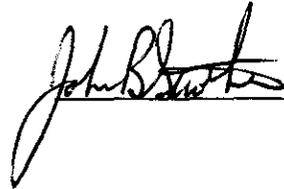


Dun Chao Lin

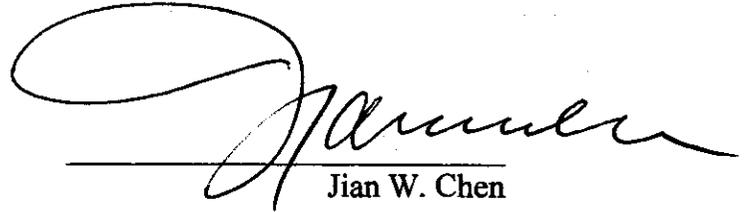


Feng Yu Zheng

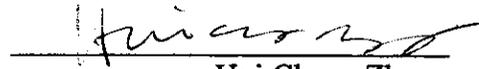
John B. Strother
Title Owner of TM 48-2((32))16

 01/19/2007
John B. Strother

Jian W. Chen
Hui Chang Zheng
Title Owners of TM 48-2((32))19



Jian W. Chen



Hui Chang Zheng

Hong Zheng
Yi Zhou
Title Owners of TM 48-2((32))20
for deck amendment



Hong Zheng

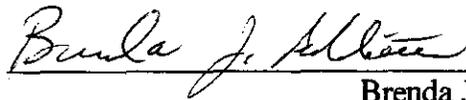


Yi Zhou

Marvin D. Bobbitt
Brenda J. Bobbitt
Title Owners of TM 48-2((32))21



Marvin D. Bobbitt

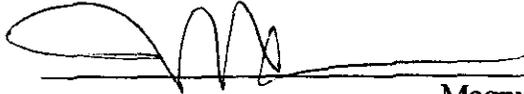


Brenda J. Bobbitt

Elie K. Rhyu
Magnus Rhyu
Title Owners of TM 48-2((32))22



Elie K. Rhyu



Magnus Rhyu

Darren E. McClure
Marinn F. Carlson
Title Owners of TM 48-2((32))23


Darren E. McClure


Marinn F. Carlson

PROPOSED DEVELOPMENT CONDITIONS

FDPA 2002-PR-008-02

December 6, 2006

If it is the intent of the Planning Commission to approve FDPA 2002-PR-008-02 located at Tax Map 48-2 ((32)) 12 – 16, 19 – 23, and 47, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, in addition to those approved pursuant to FDP 2002-PR-008:

1. Prior to the demolition of the existing dwelling on Lot 47, a meeting shall be held with the UFM representative to review the demolition plan and process. As determined by UFM measures, care shall be taken during demolition to minimize impacts to the root system of tree designated for preservation on the CDPA/FDPA adjacent to the existing dwelling. To give these trees the greatest possible chance of survival and continued health, the root zones shall be protected during demolition. Demolition of the existing dwelling shall be performed under the direct supervision of a certified arborist with experience in tree preservation on construction sites, who shall be on site during all demolition activities. The entire area within the tree preservation area protected by tree preservation fencing shall be left in its natural state where undisturbed; or mulched where the area was previously bare or disturbed.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless, and until, adopted by that Commission.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.