

**PROFFERS**

**2004-MA-038**

**MOON SIK PARK**

**October 7, 2005**

Pursuant to Section 15.2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns (hereinafter referred to as "Applicant"), hereby proffer the following conditions provided the Subject Property is rezoned in the C-7 District as proffered herein.

1. **Generalized Development Plan/Special Exception Plat.** Pursuant to Section 18-204, development shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Annandale Hotel," prepared by Christopher Consultants and last dated October 5, 2005.
2. **Floor Area Ratio (FAR) and Building Height.** The subject property shall be developed with a maximum FAR of 0.70 and a maximum building height of 75 feet.
3. **Architectural Treatment.** Architectural design shall be in general conformance with elevations and treatments depicted on the GDP and the architectural drawings prepared by Christopher Consultants dated August 2005 entitled Entrance Elevation, Rear Elevation and Building Details. The east elevation shall be substantially similar to the west elevation shown in the drawings. The four-sided, architectural treatment will include marble, granite, pre-cast concrete or brick veneers or some combination of two or more of these materials, and include glass. No individual business entrances shall be allowed along the eastern or western sides of the building. The dumpster enclosure shall have brick facades and a gate or door.
4. **Noise Attenuation.** In order to reduce interior noise to a level of approximately DNL 45 dBA, construction of the hotel shall include the following acoustical treatment measures:
  - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
  - ii. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20 percent of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20 percent of an exposed façade, then the glazing shall have an STC rating of at least 39.

iii. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimize sound transmission.

iv. As an alternative to the above, the Applicant may, prior to site plan approval, elect to have an acoustical analysis performed subject to approval by DPWES, in coordination with Environmental and Design Review Branch, DPWES and the Department of Planning and Zoning, to verify or amend the noise levels and impact areas as set forth above, and/or to determine which areas of the hotel may have sufficient shielding to permit a reduction in the mitigation measures prescribed above or which may include alternative measures to mitigate noise impacts.

5. **Uses.** In addition to the hotel use, the following uses may be permitted on the first floor and second floor only: business service and supply service establishments, eating establishments, fast food restaurants, financial institutions, offices, personal service establishments, quick-service food stores, retail sales establishments, and accessory uses as permitted by Article 10. In addition special exception uses may be provided if approved by the Board of Supervisors. These uses shall be limited to the maximum square footages set forth on the Tabulation on Sheet 2 of the GDP. The cellar area shall be limited to hotel accessory uses and accessory service uses, such as meeting/banquet rooms, and exercise rooms. The hotel will have banquet facilities and meeting rooms available for rental by civic groups, private parties, and the public in general.
6. **Outdoor Seating.** Outdoor dining in the outdoor seating areas on the John Marr side of the building shall be prohibited after midnight. Use of exterior loudspeakers, or other exterior sound amplification devices shall not be permitted on the John Marr Drive side of the building.
7. **Signs.** All signs shall be in conformance with Article 12. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on the site. No promotional signage shall be permitted on any light poles or on table umbrellas in the outdoor eating areas; However, this shall not preclude the display of seasonal banners. No freestanding sign shall be installed along the John Marr Drive frontage of the site. No external mounted business signs shall be permitted on the southern, eastern or western sides of the building, except that building mounted signs may be permitted on each of these sides identifying the name of the hotel. The building mounted hotel sign on the John Marr Drive side shall have non-glare properties to avoid glare impacts on the residential properties across John Marr Drive. Directional signage shall be provided on site to provide clear directions to visitors as to the location of underground parking and alternate surface parking on-site. Said signage shall be subject to the review of the Department of Planning and Zoning.
8. **Landscaping.** Landscaping shall be in substantial conformance with that shown on the GDP. Existing on-site trees shall be preserved and transplanted if

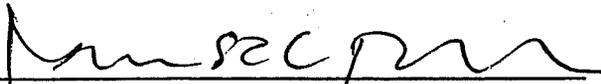
determined appropriate by Urban Forest Management. The applicant shall provide a transplanting plan as part of the first and all subsequent submissions of the site plan for review and approval by Urban Forest Management, and shall implement the plan as approved. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans, such as a certified arborist or landscape architect. Depending upon site constraints, the plan shall address one or all of the following items, as determined by Urban Forest Management:

- The species and sizes to be transplanted;
- the existing locations of the trees;
- the proposed final locations of the trees;
- the proposed time of year when the trees will be moved;
- the transplant methods to be used, including tree spade size if applicable; details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as cabling, guying or staking;
- details regarding equipment to be used to transport plant materials, and the routing of such equipment.

9. **Streetscape.** The streetscape design and materials shown on the GDP (sidewalk, lighting, landscaping and street furnishings) shall meet the standards and specifications of the streetscape as outlined in the Comprehensive Plan for the Annandale Community Business Center, as determined by Urban Forest Management.
10. **Road Dedication.** At the time of site plan approval, or upon demand by Fairfax County, whichever occurs first, right-of-way along John Marr Drive necessary for public street purposes and as shown on the GDP shall be dedicated and conveyed to the Board of Supervisors in fee simple.
11. **Inter-parcel access.** The applicant shall provide public access easements for purposes of inter-parcel access, at the locations shown on the GDP. The connection to Tax Map 71-1 ((1)) 115C shall align with the ingress/egress easement for this parcel recorded among the land records of Fairfax County in Deed Book 13185 at page 1357. Said on site easement shall be recorded prior to the issuance of a Non-Residential Use Permit (Non-RUP).
12. **Lighting.** All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
13. **Stormwater Management.** Unless the stormwater management/best management practices facility is waived by DPWES, the applicant shall provide the stormwater management/best management practices facilities underground as depicted on the GDP, as determined by DPWES.

14. **Fairfax County Water Authority.** At the time of site plan approval, a 14 foot wide easement, contiguous with and parallel to, the existing easements recorded in deed book 7523 at page 1823 and deed book 7253 at page 1826, shall be dedicated and conveyed, at no cost, to the Fairfax County Water Authority.
15. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

**OWNER OF TAX MAP 71-1 ((1)) PARCELS 115A  
AND 116B**

  
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Moon Sik Park

  
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Hyon B. Chung