

JAN 28 2016

Zoning Evaluation Division

PROFFERS

**Innovation Center
PCA 2009-HM-017**

January 27, 2016

Pursuant to Section 2-2303(a), *Code of Virginia*, 1950 as amended, and subject to the Board of Supervisors approval of the requested Proffered Condition Amendment on property identified as Tax Map 015-4 ((05))-0005B pt. and 15-2 ((1)) 13A pt. (hereinafter referred to as the "Property"), the Applicant and owners for themselves, their successors and assigns hereby reaffirms the "Innovation Center South and the Innovation Center Station Garage Proffers" for RZ 2009-HM-017 dated July 25, 2014 in their entirety, except that Proffers 1, 58, and 62 as set forth therein are hereby amended as follows, with minor changes from the approved proffers underlined:

- 1) Substantial Conformance. The Property shall be developed in substantial conformance with the Conceptual Development Plan Amendment ("CDPA") and Final Development Plan Amendment ("FDPA") entitled "Innovation Center Station Garage" dated July 17, 2015 and revised through January 22, 2016, prepared by Dewberry Consultants LLC, consisting of 13 sheets. The CDPA and the FDPA are collectively referred to in these Proffers as "CDPA/FDPA."

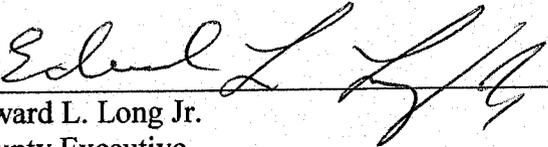
- 58) Additional Design. All buildings and parking structures and the Metro Station Facilities where they front on the new North-South Road and the new East-West Road shall be architecturally finished (all four (4) sides) with compatible materials, detailing and features, provided such facades (including the facades of garages associated with a building) need not be identical. Garage facades shall be designed to screen the view of vehicles from the surrounding area and shall include materials consistent with those materials shown on the CDPA/FDPA and used on the associated building and/or incorporate innovative design techniques such as incorporation of public art, vegetative screens or other screening techniques, provided such façade treatments are consistent with the standards set for in the Design Guidelines, and need not have facades identical to the associated building.

- 62) Building Heights. Building heights for the garage building shall not exceed the maximum or be less than the minimum building heights shown on Sheet A-104 of the CDPA/FDPA. Building heights shall be exclusive of those structures that are excluded from the maximum height regulations as set forth in Section 2-506 of the Ordinance. All building penthouses/rooftop structures shall be integrated into the architecture of the building below and shall be consistent with the Design Guidelines.

[SIGNATURES NEXT PAGE]

APPLICANT/TITLE OWNER OF TAX MAP 015-4-((05))0005B

FAIRFAX COUNTY BOARD OF SUPERVISORS

By: 
Name: Edward L. Long Jr.
Its: County Executive

Title Owner of Tax Map 15-2((1)) 13A pt.
Nugget Joint Venture, L.C.

By: Allen & Rocks, Inc., its manager

By: Nicholas P. H. Rocks

Nicholas P. H. Rocks, President