

Proffered Conditions**NVR, Inc.****RZ 2014-BR-007****July 3, 2014****September 12, 2014****October 15, 2014****October 20, 2014****October 24, 2014**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owners and Applicant, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 56-2((1))54-59 and 56-2((4))1 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-3 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by Urban, Ltd. consisting of 12 sheets, dated October 25, 2013, revised through October 17, 2014.
2. Maximum Lot Yield. The development shall consist of a maximum of 40 single family detached units.
3. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the CDP/FDP, such as, but not limited to locations of utilities, minor adjustments of property lines and the general location of dwellings and driveways on the proposed lots may be permitted when it is determined by the Zoning Administrator that such modifications are in substantial conformance with the CDP/FDP and provided that the modifications do not increase the total number of dwelling units, decrease the amount of open space, tree save, or distances to peripheral lot lines, change the points of access, or alter the limits of clearing and grading as shown on the CDP/FDP.

4. Establishment of HOA. Prior to record plat approval, the Applicant shall provide the Department of Public Works and Environmental Services (DPWES) with documentation that the Applicant has established a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance. The purpose of the HOA shall be, among other things, establishing the necessary residential covenants governing the use and operation of common open space and other facilities of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions noted in these proffer conditions, including an estimated budget for such common maintenance items. At the time of bond release, or turnover of the community to the HOA, whichever first occurs, there shall be a reserve balance of \$45,000 in the HOA bank account for future maintenance obligations.
5. Annexation of Future Development. The HOA for the subject property shall be structured with the adjacent parcels, 56-2((4))1, 2, 4 and 6, identified as potential additional land that can be added to the HOA at a future date upon a mutual agreement.
6. Dedication to HOA. At the time of record plat recordation, the open space and common features/amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same.
7. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the maintenance responsibility for the private roadways, walkways, stormwater management facilities, common area landscaping and any other open space amenities and shall be made aware of the potential for future interparcel access in the northern portion of the property and shall acknowledge receipt of this information in writing. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures.
8. Signs. No temporary signs (including "popsicle" style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant's direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.
9. Architectural Design. The architectural design of the dwellings shall be in substantial conformance with the bulk, mass and type and quality of materials and elevations shown on the CDP/FDP. The primary building materials, exclusive of trim shall be limited to brick, stone, cementitious siding, shingles or other similar masonry materials. The dwelling units built on Lots 1, 5, 12, and 13 shall have, on the side facing Forest Hill Drive, enhanced architectural features such as ornamental trim and windows with shutters similar to that which is on the front of the respective dwelling unit. Similarly, the rear elevation of the dwelling units built on Lots 1-4 shall also include windows, shutters, and trim similar to that which is on front of the respective dwelling. Between Lots 17 and 23 and between Lots 32 and 36, no three adjacent homes will have the same rear elevation. Minor modifications may be made with the final architectural designs provided such modifications are in substantial conformance with the elevations.

10. Length of Driveways. The driveway on each residential lot shall have a minimum of 20 feet of pavement available for parking without infringing into the right-of-way or sidewalk area and shall be a minimum of 18 feet in width.
11. Playground. The Applicant shall construct a playground as shown on the CDP/FDP with at least three of the following elements: slides, swings, balance beams, spring animals and/or spring pads, play structures, spinarounds, horizontal bars, climbers.
12. Reciprocal Easements. At the time of subdivision plan approval, the Applicant shall create reciprocal easements along common residential property lines to provide future homeowners with reasonable rights of access to adjacent lots if needed to perform routine home maintenance functions.
13. Construction Parking. Construction workers shall either park on-site during the construction of the improvements on the Property or shall park in a remote location and be shuttled to the Property. Construction workers shall not be permitted to park on Forest Hill Drive or adjacent properties.
14. Setbacks. The minimum front, side and rear yards shall be consistent with that shown on the "typical SFD lot detail" depicted on the CDP/FDP. Decks, deck related "additions" such as pergolas, lattice, privacy screens, deck benches, and deck planters, bay windows, patios, chimneys, areaways, mechanical equipment and other similar appurtenances may encroach into the minimum rear yard as established on the "typical lot SFD detail" and in this proffer provided such appurtenances meet the regulations of Sect. 2-412 and Article 10 of the Zoning Ordinance and in no instance shall they be closer than 5 feet to any lot line. The minimum setbacks and the restrictions of this proffer shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and shall be included in the HOA documents.

II. TRANSPORTATION

15. Dedication of Land along Lee Highway, Rt. 29. At the time of record plat approval, the Applicant shall dedicate in fee simple to the Board of Supervisors right-of-way to 121 feet from the centerline of Route 29 as shown on the CDP/FDP, along the site's frontage of Lee Highway, Rt. 29.
16. Forest Hill Drive. Subject to approval of VDOT, the Applicant shall construct improvements on Forest Hill Drive and along the Property's Forest Hill Drive frontage to include sidewalk, curb and gutter, lane restriping on Forest Hill Drive, and a right turn lane as shown on the CDP/FDP.
17. Public Access Easement. At the time of record plat recordation, the Applicant shall cause to be recorded among the land records a public access easement running to the benefit of Fairfax County, in a form acceptable to the County Attorney, over the private road, and any sidewalks adjacent to the private roads as generally shown on the CDP/FDP.

18. Interparcel Access. An area reserved for interparcel access, to be constructed by others, shall be provided to Tax Map 56-2((4))6 as shown on the CDP provided that lot develops with residential uses. Any necessary grading and construction easements shall also be provided to facilitate the construction of the connection by others.
19. Private Streets. The on-site private streets shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual (PFM) standards for public roads, subject to any design modifications as to pavement and easement width and use of curb, that are approved by the Director of DPWES.
20. Use of Garages, Driveways and Common Area Parking Space
 - A. Individual garages shall only be used for a purpose that will not interfere with the intended purpose of parking vehicles. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Homeowners Association (HOA) and the Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale. There shall be 4 designated parking spaces per unit, two in the garage and two in the driveway.
 - B. No parking of recreational vehicles (RVs), boats or trailers shall be permitted on the private streets, common guest parking spaces, or shared driveways. This restriction shall be included in the homeowner's association documents prepared for the Application Property.
 - C. Owners shall be advised of the above use restrictions which shall be included in the initial lease/sales documents.
21. Signal Timing. Prior to subdivision plan approval, the Applicant shall request of VDOT a modification to the timing of the signal at Forest Hill Drive and Lee Highway to allow more green time for Forest Hill Drive. Evidence of this request shall be provided to DPWES.

III. ENVIRONMENTAL

22. Noise. In order to ensure an interior noise level of no greater than DNL 45 dBA, the Applicant shall employ the following acoustical treatment measures for lots within the highway noise impact zone of DNL 65-70 dBA:
 - Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.

- 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.
- 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.
- Exterior noise levels for outdoor recreational areas for the lots within DNL 65 dBA zone shall be reduced below DNL 65 dBA through the use of noise attenuation fencing as shown on the CDP/FDP. The acoustical fence/wall shall be six to ten feet in height with a top elevation of up to 465.0 to achieve noise reduction as recommended by the noise study. The acoustical fence/wall shall be architecturally solid from the ground up with no gaps or openings and shall be designed and constructed in a style complimentary to the dwellings with materials such as wood, brick, stone, cementitious siding, precast concrete, or other masonry material and may include steps, piers or other architectural design elements.

At the time of subdivision plan approval, the Applicant shall have the option to submit a revised noise study conducted by a qualified engineer, based on final grading and engineering plans which may alter the height or location of the attenuation fencing.

23. Lighting. If streetlights are installed on the property, such lighting shall conform to the requirements of Part 9 of Article 14 of the Zoning Ordinance and shall be subject to the approval of the Director, DPWES in accordance with the provisions of the Public Facilities Manual. Streetlights shall be consistent in design throughout the property and be of a design and character consistent with the architecture of the dwellings and the street furniture/amenity elements.
24. Unifying Elements. All street furniture, entry features and amenity elements such as benches, lighting, tables/picnic tables, and gazebos/ pergolas shall be residential in scale and shall be consistent with each other in terms of design and character with unifying elements such as color or material and complimentary in style to the dwelling architecture.
25. Entry Feature. The community entry feature and sign shall be designed and constructed in a style consistent with the building architecture and consistent with the materials and character of the acoustical fence/wall. The entry feature shall be constructed of brick, stone or other masonry materials with the sign portion constructed of precast concrete masonry or simulated materials such as high density sign foam or similar. The sign shall meet all requirements of Article 12 of the zoning ordinance. An entry feature/sign may be integrated/co-located with the sound wall located behind Lots 1 through 4.
26. Asbestos. If based on the soils analysis submitted as part of the subdivision plan approval process, DPWES determines that a potential health risk exists due to the

presence and associated disturbance of asbestos-containing rock on the Property, the Applicant shall:

- (A) Take appropriate measures as determined by the Fairfax County Health Department to alert all construction personnel as to the potential health risks; and
 - (B) Commit appropriate construction techniques as determined by DPWES in coordination with the Fairfax County Health Department to minimize this risk. Such techniques shall include, but not be limited to, dust suppression during any blasting or drilling activities and covered transportation of removed materials presenting this risk and appropriate disposal.
27. Geotechnical Study. Prior to subdivision plan approval and in accordance with the provisions of the Public Facilities Manual, the Applicant shall submit a geotechnical study of the Property to the Geotechnical Review Board (GRB) through DPWES for review and approval. If needed to alleviate potential structural, grading and construction problems on the Property or adjacent properties, the Applicant shall incorporate into the subdivision plan and/or building design, appropriate engineering practices as recommended by the GRB and to the satisfaction of DPWES.
28. Energy Conservation. In support of energy conservation and green building techniques; the Applicant, in consultation with the Environment and Development Review Branch (EDRB) of Department of Planning and Zoning (DPZ), shall seek certification for this development from one of the following programs that offers third party review of "green building" or energy efficient measures. The Applicant shall have sole discretion to choose the program that will be utilized.
- A. Certification in accordance with the Earth Craft House Program as demonstrated through documentation provided to DPWES and EDRB prior to the issuance of a RUP; or
 - B. Certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and EDRB from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling; or
 - C. Qualification in accordance with ENERGY STAR® for Homes as determined by the submission of documentation to EDRB from a home energy rater certified through the Residential Energy Services Network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR® for Homes qualification prior to the issuance of the RUP for each dwelling; or
 - D. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated

through submission of a copy of the "Green Certificate" issued by NAHB in accordance with its "Green Certificate Program" prior to the issuance of the RUP for each dwelling.

29. Electric Vehicle Charging. The installation of an electric vehicle charger shall be offered as an option for each dwelling at the time of sale.
30. Landscaping. Landscaping shall be generally consistent with the quality, quantity and the locations shown on the CDP/FDP and shall be non-invasive, predominantly native species. At the time of planting, the minimum caliper for deciduous trees shall be three (3) inches and the minimum height for evergreen trees shall be eight (8) or ten (10) feet, as depicted on the CDP/FDP. Actual types, locations and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of submission of the subdivision plans for review and approval by the Urban Forestry Management Division (UFMD), provided that, to the extent possible, all species are locally common native species. Such landscape plans shall provide tree coverage and species diversity consistent with the PFM criteria, as determined by the Urban Forester. The Applicant reserves the right to make minor modifications to such landscaping to reasonably accommodate utilities and other design considerations, as approved by UFMD, provided such relocated landscaping shall retain a generally equivalent number of plantings as shown on the approved CDP/FDP.
31. Peripheral Landscaping. The linear areas of common HOA land between the rear lot lines of the lots on the Property and the adjacent property lot lines shall be landscaped with a staggered mixture of deciduous and evergreen trees of various categories to create a year round vegetated area, in coordination with the tree conservation areas as generally shown on the CDP/FDP. Other vegetation, such as non-continuous shrub masses or informal hedge segments shall be used to define the edges of the common HOA land area and provide additional low level vegetation where needed.
32. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities. Any trees impacted within the limits of clearing and grading as specified above shall be replaced on the site as determined by UFMD.
33. Tree Preservation. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist, a Registered Consulting Arborist or a Professional Landscape Architect, and shall be subject to the review and approval of the UFMD. The tree preservation plan shall include a tree inventory that identifies the

location, species, critical root zone, size, crown spread and condition analysis percentage rating for individual trees, living or dead, with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) and with 25 feet to both sides of the proposed limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the CDP/FDP and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, determined by the certified arborist shall be included in the plan.

34. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist, a Registered Consulting Arborist or a Professional Landscape Architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect or designated representative shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation, increasing the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
35. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing 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 is done per the root pruning guidelines contained in these proffers. Fencing shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or professional landscape architect, and accomplished in a manner that does not harm existing vegetation that is to be preserved. 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 UFMD,

DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. 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 the UFMD, DPWES.

36. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. Root pruning shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. Root pruning shall be accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
- Root pruning shall be done with a trencher or vibratory plow to a minimum depth of 18 inches.
 - Root pruning shall take place prior to any clearing and grading, or demolition of structures and in conjunction with the installation of all super silt fence being used as tree protection fence.
 - Root pruning shall be conducted with the supervision of a certified arborist.
 - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
37. Tree Appraisal. The Applicant shall retain a certified arborist or professional landscape architect, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are inventoried to be saved 25 feet to both sides of the proposed limits of clearing and grading, as shown on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by the project arborist and/or UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement of the trees shall be determined by the Fairfax County Public Facilities Manual and by UFMD. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

38. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a certified arborist, a Registered Consulting Arborist, or a Professional Landscape Architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
39. Demolition of Existing Structures. The demolition of all existing features and structures within areas protected by the limits of clearing and grading shown on the CDP/FDP shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD.
40. Stormwater Management Facilities and Best Management Practices It is the Applicant's intent to submit the Subdivision Plan using the technical criteria as defined in Article 5 of Chapter 124 of the Code of the County of Fairfax and in accordance with Article 6 of the PFM in effect on June 30, 2014 for stormwater management and Best Management Practices while reserving the right to comply with the current technical criteria adopted July 1, 2014. Thus, unless waived or modified, stormwater management shall be provided as generally depicted on the CDP/FDP and as approved by DPWES. SWM/BMP measures may include enhanced extended detention pond(s), bio-retention areas, grassed swales, vegetated swales and porous pavers. Enhanced extended detention ponds shall be planted with the maximum quantity of plants permitted under the applicable regulations. Water quality improvements shall be designed to achieve a minimum of 41% phosphorus removal efficiency. The requirements for maintaining non-County maintained SWM improvements shall be in a standard maintenance agreement between the County and the Applicant who is the land owner, its successor and assigns. This agreement shall be recorded in the County land records and run with the land. Should any deficiencies in the existing SWM or BMP facilities/improvements be identified by the Stormwater Management Maintenance Division during regular inspections, or when investigating a drainage complaint, then maintenance shall be performed in reasonable fashion and time in accordance with the recorded maintenance agreement. Should future County policy permit all or part of the SWM facilities on the Property to be eligible for County Maintenance, then the Applicant or the successor homeowner's association may request County maintenance for eligible facilities.
41. Phase II Environmental Site Assessment. The Applicant shall complete a Phase II environmental investigation. The Applicant shall provide copies of the Phase II environmental site assessment to DPWES concurrent with subdivision plan submission. If contamination is found in ground water, surface water or soil on the Property, the Applicant shall take such corrective actions to remediate such contamination as required by and in accordance with all applicable Federal, State and County requirements and on-going mediation and monitoring shall be provided to ensure eradication of all

contamination if such is required by the applicable Federal, State and County requirements.

42. Invasive Species Management. As part of the first and all subsequent subdivision plan submissions, an invasive and undesirable vegetation management plan shall be developed that provides for the management and treatment of invasive and undesirable plants, growing in all areas shown to be preserved, that are likely to endanger the long-term ecological functionality, health, and regenerative capacity of the early successional forest communities, for review and approval by the Urban Forest Management Division. The management plan shall incorporate the following elements and shall be implemented as noted:

- Identify targeted invasive plant species to be suppressed and managed.
- Identify targeted area of invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan.
- Recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees and vegetation will be protected. For example, if mechanical equipment is proposed in save area, identify impacts on trees identified for preservation and indicate how these impacts be reduced.
- Identify how targeted species will be disposed.
- If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist.
- Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) such as when will treatments begin and end during a season and proposed frequency of treatments per season.
- Identify potential areas of reforestation and provide recommendation.
- Monthly monitoring reports provided to UFMD and SDID staff.
- Duration of Invasive program; until Bond release or release of Conservation Deposit or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by Project Arborist and an inspection by UFMD staff.

IV. CONTRIBUTIONS

43. Housing Trust Fund. At the time of the first building permit issuance, the Applicant shall contribute a sum equal to one-half of one percent (0.5%) of the projected sales price for each dwelling unit on the Property to the Fairfax County Housing Trust Fund, as determined by the Department of Housing and Community Development in consultation with the Applicant to assist the County in its goal to provide affordable dwellings. The projected sales price shall be based upon the aggregate sales price of all of the units, as if those units were sold at the time of the issuance of the first building permit and is estimated through comparable sales of similar type units.

44. Recreation Contribution. At the time of subdivision approval, the Applicant shall contribute the sum of \$116,983 to the Fairfax County Park Authority for use at off-site recreational facilities intended to serve the future residents of the Braddock District, as determined by the Fairfax County Park Authority in consultation with the Braddock District Supervisor.
45. Recreation Facilities. Pursuant to Section 6-409 of the Zoning Ordinance, the Applicant shall provide recreational facilities to serve the Property as shown on the CDP/FDP. At the time of subdivision review, the Applicant shall demonstrate that the value of all proposed recreational amenities are equivalent to a minimum of \$1,700 per unit. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$1,700 per unit to the FCPA for off-site recreational facilities intended to serve the future residents within Braddock District.
46. Public Schools. A contribution of \$10,825 per projected student for the total number of units constructed, based on methodology for calculating the number of students outlined by the Office of Facilities Planning Services, Fairfax County Public Schools, shall be made to the Board of Supervisors for transfer to Fairfax County Public Schools (FCPS) and designated for capital improvements at the public schools serving the development. The contribution shall be made at the time of, or prior to, subdivision plan approval. Following approval of this Application and prior to the Applicant's payment of the amount set forth in this Proffer, if Fairfax County should increase the ratio of students per unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current contribution. In addition, notification shall be given to FCPS when construction is anticipated to commence to assist FCPS by allowing for the timely projection of future students as a part of the Capital Improvement Program.
47. Fairfax Center Area ("FCA") Road Fund. At the time of final subdivision plan approval, the Applicant shall contribute \$1,285.00 per dwelling unit to the FCA Road Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses as determined by Fairfax County Department of Transportation and/or DPWES.
48. Escalation. All monetary contributions required by these proffers, with the exception of the proffer relating to the Housing Trust Fund and the proffer relating to the public school contribution, shall escalate on a yearly basis from the base year of 2014, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.

Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

Counterparts

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

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

Lonardelli Joint Venture, LLC

By: _____

Printed Name: Peter Lonardelli, by Wanda L. McCoy, as attorney-in-fact for Peter Lonardelli

Title: Managing Member
Owner of 56-2((1))54

Seung K. Hong,
Trustee, pursuant to Section 55-17.1 of the Code of Virginia

Name _____ Owner of 56-2((1))55

Forest Hill Joint Venture LLC

By: _____

Printed Name: Peter Lonardelli, by Wanda L. McCoy, as attorney-in-fact for Peter Lonardelli

Title: Managing Member
Owner of 56-2((1))57, 58 and 59

Garden World RE, LLC

By: _____

Printed Name: Peter Lonardelli, by Wanda L. McCoy, as attorney-in-fact for Peter Lonardelli

Title: Managing Member
Owner of 56-2((4))1

NVR, Inc.

By: _____

Printed Name _____

Title _____
Contract Purchaser of 56-2((4))1; 56-2((1))54, 55,
57, 58, 59,