County of Fairfax, Virginia
Planning Commission Meeting
July 16, 2026
Planning Commission Action

RZ/FDP-2025-FR-00027 AND PCA-2004-LE-021-002 – K. HOVNANIAN AT MOUNT VERNON GATEWAY, LLC.
(Franconia District)

PLANNING COMMISSION RECOMMENDATIONS:
On July 16, 2026, the Planning Commission voted 11-1 (Commissioner Batchelor-Causey voted in opposition) to recommend to the Board of Supervisors approval of the following actions:

- PCA-2004-LE-021-002;
- RZ-2025-FR-00027 and the accompanying CDP, subject to the execution of the proffers consistent with those dated July 16, 2026;
- Waiver of subsection 2105.2.B(2) to allow for a privacy yard less than 200 square feet.;
- Waiver of subsection 5107.3.A(2) to permit private streets less than 24 feet in width as shown on the CDP/FDP; and
- Waiver of subsection 5107.3.A(3) to allow private streets in excess of 600 feet in length.

In a related action, the Planning Commission 11-1 (Commissioner Batchelor-Causey voted in opposition) to approve FDP 2025-FR-00027, subject to the Board's approval of the concurrent rezoning application.

ATTACHED DOCUMENTS:
Proffers dated July 16, 2026

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DRAFT PROFFERS

K. HOVNANIAN AT MOUNT VERNON GATEWAY, LLC.
RZ-2025-FR-00027

July 16, 2026

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, and Subsection 8100.2.D. of the Zoning Ordinance of Fairfax County (hereinafter referred to as the "Zoning Ordinance"), K. Hovnanian at Mount Vernon Gateway, LLC for and on behalf of K. Hovnanian Virginia Operations, Inc., the owners, itself, and its successors and/or assigns (hereinafter collectively referred to as the "Applicant"), in RZ-2025-FR-00027 filed on property identified as Fairfax County 2026 Tax Map 101-2 ((5)) (2) 5, 7, 8A, 8B and 9; 101-2 ((5)) (3) 3A, 4, 5, 6, 7, 8, 9, 10, 11, and 12; andw a portion of Rolling Hills Avenue right-of-way to be vacated/abandoned (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors (the "Board") approves a rezoning of the Application Property to the PDH-20 District. Upon approval of the rezoning, these proffers will replace and supersede all previous proffers approved on the Application Property. In the event this rezoning is denied by the Board, these proffers and conditions will immediately be null and void.

CONCEPTUAL/FINAL DEVELOPMENT PLAN

1. Conceptual/Final Development Plan. Subject to the provisions of Subsection 8100.2.E.(1) of the Zoning Ordinance, the Application Property must be developed in substantial conformance with the Conceptual/Final Development Plan, prepared by VIKA Virginia, LLC dated October 28, 2025, as revised through June 22, 2026 (the "CDP/FDP"), and as further modified by these proffers. The proffered CDP is limited to the points of access and accompanying pedestrian and vehicular circulation routes through the Application Property; the maximum number and type of dwelling units; the general location and arrangement of buildings; maximum building heights and the character and location of publicly accessible open spaces and urban parks. The remaining elements are FDP elements.

2. Minor Modifications. Minor modifications to the CDP/FDP may be permitted as determined by the Zoning Administrator in accordance with Subsection 8100.5 of the Zoning Ordinance, including the flexibility to modify the building footprints and locations shown on the CDP/FDP provided such changes are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator and do not affect the proffered elements of the CDP/FDP as specified herein.

3. Minor Variations. Minor variations to these proffered conditions and the CDP/FDP may be approved in accordance with the provisions of Subsection 8100.5.A.(2) of the Zoning Ordinance without the need for a proffered condition amendment ("PCA").

4. Possible Future Development of Adjacent Property. Should the adjacent property, identified as Tax Map 101-2 ((5)) (2) 6 ("Parcel 6"), develop in conformance with the conceptual/final development plan prepared by Charles P. Johnson & Associates dated July 20, 2004, as revised through July 14, 2005, that was approved in conjunction with RZ 2004-LE-021 or in conformance with a subsequent rezoning approval, the Applicant will facilitate construction of that development. The Applicant will cooperate with the owners of Parcel 6 to ensure that the adjacent property is integrated with the Application Property. Cooperation will include, but not be limited to, granting access to the private streets located on the Application Property, granting temporary construction and grading easements, establishing a pedestrian connection to Urban Park C, and coordination of open space and outdoor recreation facilities.

PROPOSED DEVELOPMENT

5. Uses. The Application Property will be developed with up to 66 townhomes and up to 78 stacked townhomes as shown on the CDP/FDP and any accessory uses that are permitted or require a special permit or special exception approval.

6. Intensity/Density Credit. All intensity/density attributable to land area dedicated from the Application Property as designated on the CDP/FDP and/or conveyed at no cost to the Board or any other public entity pursuant to these proffers, or as may be required at site plan, will be subject to the provisions of Subsection 5100.2.E(5)(c) of the Zoning Ordinance and is hereby reserved to the Application Property.

7. Fire Marshal Evaluation. Changes to the CDP/FDP may be permitted in response to the review of site plans by the Fire Marshal as necessary to allow for required emergency vehicle access, without requiring approval of a PCA or an amendment to the CDP/FDP provided such modifications are approved by the Zoning Administrator in consultation with other applicable agencies as determined by the Zoning Administrator, and are in substantial conformance with the CDP/FDP and these proffers.

8. VDOT Evaluation. Changes to the CDP/FDP may be permitted in response to the review of site plans by the Virginia Department of Transportation ("VDOT") as necessary without requiring approval of a PCA or an amendment to the CDP/FDP provided such modifications are approved by the Zoning Administrator in consultation with other applicable agencies as determined by the Zoning Administrator, and are in substantial conformance with the CDP/FDP and these proffers.

TRANSPORTATION

9. Road Improvements. The transportation improvements provided for in this proffer will be constructed with all required/applicable pavement transitions, as further qualified in these proffers and/or as determined at the time of site plan showing these improvements. For purposes of these proffers, the term "construct" will mean that the committed improvement is substantially complete and available for public use whether or not such improvement has been accepted by VDOT for maintenance. The Applicant reserves the

right, within its sole discretion, to combine construction of any of the transportation improvements described in these proffers into a single public improvement. All public street improvements must be designed and constructed in accordance with the VDOT Road Design Manual, as amended, and are subject to VDOT approval.

A. Buckman Road. Subject to VDOT and Fairfax County Department of Transportation ("FCDOT") approval, the Applicant will construct, prior the issuance of the first Residential Use Permit ("RUP") for the proposed development, the following improvements along the Application Property's Buckman Road frontage as shown on the CDP/FDP:

i. A 10-foot wide shared use path;

ii. An 8-foot wide landscaping panel; and

iii. A 3-foot wide maintenance strip.

B. Janna Lee Avenue. Subject to VDOT and FCDOT approval, the Applicant will construct, prior the issuance of the first RUP for the proposed development, the following improvements along the Application Property's Janna Lee Avenue frontage as shown on the CDP/FDP:

i. A 6-foot wide sidewalk;

ii. An 8-foot wide landscaping panel; and

iii. An on-street parking lane.

10. Right-of-Way Dedications. Subject to VDOT and FCDOT approval, the Applicant must dedicate at no cost and convey in fee simple with no liens to the Board, right-of-way along the Application Property's Buckman Road frontage and right-of-way along the Application Property's Janna Lee Avenue frontage, as shown on the CDP/FDP. Dedications must be made at time of site plan or upon written demand of either Fairfax County or VDOT, whichever occurs first.

11. Private Streets, Sidewalks and Curb Ramps. The improvements provided for in this proffer must be constructed as further qualified in these proffers and/or as determined at the time of site plan. For purposes of this proffer, the term "construct" will mean that the committed improvement is substantially complete and available for public use.

A. Private Streets. The private streets must be constructed in conformance with the Public Facilities Manual ("PFM") to design, depth of pavement and materials consistent with public street standards.

B. Sidewalks. The Applicant will provide a sidewalk system within the Application Property as generally shown on the CDP/FDP. Construction of sidewalks will be phased with development of the Application Property.

C. Curb Ramps. The Applicant will install CG-12 curb ramps on the Application Property where sidewalks meet roadways as generally shown on the CDP/FDP. Construction of curb ramps will be phased with development of the Application Property and installed in conjunction with sidewalks.

D. Public Access Easement. The Applicant will record a public access easement in a form as reviewed and approved by the County Attorney over the private streets and sidewalks located on the Application Property shown on the CDP/FDP prior to site plan approval.

12. Richmond Highway Coordination. The Applicant must coordinate with VDOT to provide sidewalk connections as shown on the CDP/FDP in conjunction with VDOT's planned improvements to Richmond Highway. Said coordination may include entering into a future construction agreement at bond release with VDOT to complete any sidewalk connections within the right-of-way, and if approved by VDOT, concurrent with VDOT construction.

13. Crosswalk. Subject to VDOT approval, the Applicant must install a crosswalk with curb ramps across Buckman Road at its intersection with Janna Lee Avenue as shown on the CDP/FDP.

14. Rolling Hills Avenue Vacation/Abandonment. The Applicant has submitted a request to FCDOT for the vacation/abandonment of a portion of existing right-of-way associated with Rolling Hills Avenue as shown on the CDP/FDP. Upon approval of the vacation/abandonment by the Board and recordation of a deed and plat of vacation/abandonment, the area that is vacated/abandoned will be incorporated into the Application Property as shown on the CDP/FDP and the land area will assume the zoning of the adjacent property.

TREE PRESERVATION

15. Tree Inventory and Condition Analysis. The Applicant must submit a Tree Inventory and Condition Analysis as part of the site plan submission. The Tree Inventory and Condition Analysis must be prepared by a Certified Arborist or Registered Consulting Arborist ("Project Arborist") and must include elements of PFM 12-0307 deemed appropriate to the Application Property as determined by the Forest Conservation Branch ("FCON").

16. Tree Preservation Plan and Narrative. The Applicant must submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The Tree Preservation Plan and Narrative must be prepared by the Project Arborist and must include elements of PFM 12-0309 deemed appropriate to the Application Property as determined by FCON.

17. Project Arborist/Pre-construction Meeting. Prior to the pre-construction meeting, the Applicant must have the approved limits of clearing and grading flagged with a continuous line of flagging. The Project Arborist must attend the pre-construction meeting to review the limits of clearing and grading with a FCON representative to determine where adjustments to the clearing limits can be made to increase the area of the tree preservation and/or to increase the survivability of trees at the limits of clearing and grading, without detriment to the proposed development. Such adjustments must be recorded by the Project Arborist and tree protection fencing must be implemented under the Project Arborist's supervision based on these adjustments.

18. Tree Protection Fencing. The Applicant must provide appropriate tree protection devices, based on site conditions and proposed construction activities as reviewed and approved by FCON. Tree protection fences must consist of four-foot-high welded wire attached to six-foot steel posts driven 18 inches into the ground and spaced no further than 10 feet apart; or the installation of super silt fence.

19. Tree Preservation Measures. Tree preservation measures must be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan and Narrative. Tree preservation measures may include, but are not limited to, the following: root pruning, crown pruning, mulching, watering, etc. Specifications must be provided on the plan detailing how preservation measures will be implemented. Tree preservation activities must be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

20. Demolition. The demolition of all existing structures and site features within or adjacent to tree preservation areas must be accomplished in the least disruptive manner practical as reviewed and approved by FCON. All tree protection fencing must be in place and verified by the Fairfax County inspector prior to commencement of demolition activities.

21. Site Monitoring. The Project Arborist must be present on-site during initial implementation of the Phase 1 Erosion and Sediment Control Plan and monitor construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities may include, but will not be limited to, clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist must visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the approved Tree Preservation Plan and Narrative. Written reports must be submitted to FCON and the Site Development & Inspections Division ("SDID") site inspector detailing said site visits. A monitoring schedule and Project Arborist reports must be described and detailed in the Tree Preservation Plan and Narrative.

22. Invasive Plant Species Management. Forested areas containing invasive plant species in quantities that threaten long-term health and survival of existing vegetation must be managed under an invasive plant species management plan to qualify for any 10-year canopy credit. At the time of site plan submission, the Applicant must provide a management plan for review and approval by FCON. The plan must include the common

and scientific names of the invasive species targeted for management, the designated management area, control and disposal methods, treatment timing and monitoring procedures, program duration, and any necessary reforestation efforts. The Applicant must monitor the managed areas for a period of one (1) year after issuance of the final RUP for the proposed development.

LANDSCAPING

23. Landscape Plan. As part of the first and all subsequent site plan submissions the Applicant must submit for review by FCON, a Site Landscape Plan (the "Landscape Plan") which must be in general conformance with the Conceptual Landscape Plan shown on the CDP/FDP. The Landscape Plan shall include planting schedules, narratives, specifications, and details for general landscaping, street trees, and irrigation information (if applicable) to ensure the long-term viability of the vegetation materials. Any modifications in the final design must maintain a similar quality of landscaping as depicted in the Landscape Plan and the CDP/FDP, as determined by FCON.

A. Sustainable Elements. The Landscape Plan and specifications must incorporate sustainable techniques that reduce maintenance needs and promote a cleaner, healthier environment. Sustainable methods may include:

i. A reduction in turf areas to minimize mowing. Mulched planting beds with grouped trees and vegetation should be incorporated to create a root zone environment that supports healthy tree and plant growth.

ii. Planting trees in strategic locations to enhance energy conservation for buildings, following the guideline outlined in Plate 4-12 of the PFM.

iii. Using a diverse selection of native and non-invasive plants to support native pollinators and minimize the need for supplemental watering, chemical fertilizers, salt, herbicides, and chemical pest or disease control.

iv. Sustainable landscape planting should consist of grouped plantings that include larger overstory trees, small understory trees, shrubs, and ground covers. Notwithstanding stipulations in the PFM, it is acceptable for the 10-year projected canopies of overstory trees to overlap with the canopies of understory trees, shrubs, native grasses, and groundcovers, mimicking a natural, multi-layered wooded environment.

B. Native, Non-Invasive Species. The Applicant will use non-invasive species throughout the proposed development, prioritizing predominately native or adapted species to the extent possible. The Applicant reserves the right, in consultation with and approval by FCON, to modify the exact species to be used, such as when plant materials are not available or have been deemed by FCON to no longer be appropriate.

C. Planting Quality. The Landscape Plan will align with the quality and quantity of plantings and materials shown on the CDP/FDP and may include additional shade trees and other plant materials as determined by the Applicant. The Applicant may modify the type and location of vegetation, as well as the design of public spaces, courtyard areas, streetscape improvements, and plantings, with approval from FCON and the Zoning Administration Division. These adjustments must remain in substantial conformance with the CDP/FDP. Modifications to plant type and placement may also made to avoid conflicts with utilities and other site engineering considerations.

24. Project Arborist Participation. The Project Arborist must participate in the design of the Landscape Plan, and in the pre-installation meeting to ensure conformance with the proffered commitments.

25. Landscape Planting Pre-Installation Meeting. Before installing any plants required by the approved Landscape Plan, the contractor or Applicant will coordinate an on-site pre-installation meeting with the Project Arborist, landscape contractor, FCON, and SDID Site Inspections. Any proposed changes to planting locations, tree or shrub sizes, or species substitutions from the approved plan must be reviewed and approved by FCON before planting. Installing unapproved plants may require a landscape plan revision or the removal and replacement of non-compliant trees or shrubs before bond release.

26. Soil Remediation. As shown on the CDP/FDP, soils in all planting areas must be the subject of remedial action to restore planting areas to satisfy the cultural requirements of trees, shrubs and groundcovers specified in the Landscape Plan. Soil within proposed pervious areas will be decompacted and compost will be integrated into the soil profile to a depth of 6”-8” inches. Remediated soils should be augmented with four inches of topsoil and mulched where appropriate.

27. Streetscape. The Landscape Plan must include streetscapes along the interior private streets, along Buckman Road and along Janna Lee Avenue as shown on the CDP/FDP. The Applicant must maintain and replace in kind all streetscape elements identified on the CDP/FDP and located on the Application Property and within adjacent rights-of-way.

28. Landscape Maintenance. The Applicant must direct that any landscape management company for the Application Property limit the use of herbicides and pesticides as part of regular landscape maintenance to the extent practicable. In addition, the Applicant must direct the landscape management company to manage invasive species and to prioritize manual control of invasives, with herbicide usage limited to the extent practicable.

29. Additional Landscaping on Parcel 6. The Applicant will offer the owner of Parcel 6, at the Applicant’s cost, the option to request installation of a landscaping screen along the the edges of Parcel 6 adjacent to the Application Property until the time the last RUP is issued for the Application Property. The landscaping screen shall contain a mix of shrubs and trees which shall be native, non-invasive species.

DESIGN

30. Architectural Design. At the time of site plan, the Applicant will demonstrate to Land Development Services ("LDS") that the architectural design of the proposed development is in substantial conformance with the bulk, mass, proportion, type and quality of materials shown on the CDP/FDP. The primary building material of all facades of all units, including any WDU units (defined below), exclusive of trim, will include primarily high-quality materials such as brick, stone, horizontal or vertical cementitious siding, or other similar materials. The location and number of building exterior entrances/stoops are illustrative and will be finalized at the time of final site plan approval. The elevations may be revised as a result of final design and engineering so long as the character and quality of the buildings remain in substantial conformance with that shown on the CDP/FDP as described above.

31. District Design Guidelines. The Applicant must install street lights, street furnishings, and pavers as shown on the CDP/FDP that are consistent with those recommended in the Richmond Highway Volume II District Design Guidelines.

32. Universal Design. The Applicant must offer initial purchasers the option, at the purchaser's sole cost, to have installed a selection of universal design features, as determined by the Applicant, which may include, but not be limited to:

    A. Structural Reinforcement and Grab Bars: Installation of wood blocking within bathroom walls and the installation of grab bars;

    B. Accessible Hardware: Lever-style door handles on all interior doors in lieu of standard knobs;

    C. Accessible Controls: Installation of all light switches and thermostats at a maximum height of 48 inches above the finished floor;

    D. Elevated Outlets: Installation of all electrical outlets (excluding those required for specific appliances) at a minimum height of 18 inches above the finished floor; and

    E. Primary Entry: A minimum 36-inch wide front entrance door (clear width).

33. Sustainable Building Design. The Applicant commits to certify the proposed development under one of following programs, to be selected within its sole discretion. The Applicant will notify the Environmental Branch ("EB") of the Department of Planning and Development ("DPD") of the program selection at the time of first site plan submission.

    A. EarthCraft. Certification in accordance with the EarthCraft House or Multifamily Program as demonstrated through documentation provided to LDS and DPD prior to the issuance of a RUP for each dwelling unit. If certification is still in process at time of RUP issuance, the Applicant must provide documentation from the EarthCraft project manager demonstrating that the project has been registered,

completed final inspection, and has met the requirements to attain EarthCraft certification prior to RUP issuance for each dwelling unit. The Applicant must provide documentation to LDS and DPD demonstrating that certification for the dwelling unit has been attained prior to final bond release; or

B. NGBS. Certification in accordance with the most current version of National Green Building Standard ("NGBS"), as demonstrated through documentation submitted to LDS and DPD from a home energy rater certified through the 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. Alternative Program. The Applicant may utilize an equivalent alternative program selected in consultation with and approved by the EB of DPD prior to site plan approval.

34. EV Charging. The Applicant must offer initial purchasers of all residential units the option, at the purchasers' cost, to install the required electrical panels for electric vehicle ready charging, which means the provision of space, conduit banks, conduits, and access points allowing for the installation of an electric vehicle charging station in the future, and does not include the installation of transformers, switches, wiring, or charging. The Applicant will provide a minimum of two electrical charging stations at visitor parking spaces on the Application Property. As determined at time of site plan, the Applicant reserves the right to install additional recharging stations and conduit to serve future recharging stations at its discretion.

ENVIRONMENTAL

35. Noise Attenuation. The Applicant will install a sound barrier as shown on the CDP/FDP which meets the parameters recommended in the acoustical analysis for the Application Property by Hush Acoustics LLC dated July 30, 2025 and its addendum dated March 19, 2026.

At the time of site plan submission, the Applicant will submit to LDS a follow-up acoustical analysis for that portion of the Application Property impacted by traffic noise from Richmond Highway having levels in excess of 65 dBA Ldn ("Interior Noise Study"). If the Interior Noise Study concludes that specific dwelling units will be affected by noise levels that require mitigation, based on final proposed and not existing site topography and conditions, then the acoustical analysis must specify specific noise attenuation measures to be included in the design of the units that must reduce interior noise to a level of 45 dBA Ldn or less.

36. Lighting. All on-site outdoor lighting must comply with the outdoor lighting standards of the Zoning Ordinance.

RECREATION

37. Park Authority Contribution. Prior to the issuance of the first RUP on the Application Property, the Applicant must contribute a sum equivalent to $893.00 per new resident generated by the proposed development to Fairfax County. The number of residents estimated for this contribution must be based on an assumption of 2.94 residents per residential unit to be constructed on the Application Property. The contribution must be used for off-site recreational facilities intended to serve the future residents of the Franconia District and the Richmond Highway Corridor.

38. On-Site Recreation Facilities. In accordance with the Zoning Ordinance, the Applicant must provide amenity areas and facilities designed to meet the on-site recreational needs of the future residents of the Application Property. The specific design of these areas may be adjusted at the time of final site plan, provided the quality and character of the designs are compatible to those shown on the CDP/FDP. The Applicant must expend a minimum of $2,400.00 per market rate residential dwelling unit toward said recreational facilities. If all funds are not expended on the Application Property, the Applicant will contribute the balance to FCPA prior to bond release for use at off-site recreational facilities within the service area of the Application Property.

39. Publicly Accessible Parks and Open Space. Parks, trails, and open space shown as publicly accessible on the CDP/FDP must be located within a public access easement in a form approved by the County Attorney, recorded among the land records of Fairfax County at the time of record plat recordation, and will be subject to the review and approval of the Fairfax County Park Authority. Such public access easement must provide for perpetual private maintenance of the publicly accessible outdoor recreation facilities. The applicant reserves the right to set reasonable rules, regulations, and hours of operation for use of all outdoor recreation areas. Park spaces that are open to the public will be open from 6:00 a.m. to 10:00 p.m. and subject to usual and customary rules and regulations. Publicly accessible open space will be provided in the areas identified delineated and identified as Urban Parks A, B and C on the CDP/FDP. The design and amenities provided in Urban Parks A, B, and C must be generally consistent with the design and amenities shown on the CDP/FDP.

PEDESTRIAN CIRCULATION

40. Pedestrian Circulation. Pedestrian connectivity must be provided throughout the Application Property consistent with the Pedestrian Circulation Plan shown on the CDP/FDP.

WORKFORCE HOUSING

41. Workforce Dwelling Units. The Applicant must provide Workforce Dwelling Units ("WDUs") on the Application Property as shown on the CDP/FDP in accordance with the

Guidelines for Provision of Workforce Dwelling Units, Appendix 1 in the Housing Element of the Comprehensive Plan's Policy Plan and the Area Plans, as amended, as well as the Board's Workforce Dwelling Unit Administrative Policy Guidelines, adopted March 18, 2025, and to the satisfaction of the Department of Housing and Community Development.

STORMWATER MANAGEMENT

42. Stormwater Management. The Applicant must provide on-site stormwater management in accordance with the following:

A. Subject to the approval of LDS, the Applicant must implement a Stormwater Management ("SWM") and Best Management Practices ("BMP") plan to control the quantity and quality of stormwater runoff from the Application Property. The Applicant must provide stormwater management facilities as generally shown on the CDP/FDP with the site plan. In addition to those facilities shown on the CDP/FDP, the Applicant will provide Filteras and incorporate amended soils on the Application Property where practicable. The Applicant must meet or exceed the minimum state and Fairfax County requirements for stormwater quantity and quality, unless otherwise waived or modified.

B. The Applicant reserves the right to pursue alternate and/or additional stormwater management measures provided the same are in substantial conformance with the CDP/FDP as allowed by the PFM and Chapter 124 of the Fairfax County Code. Said alternative and/or additional stormwater management measures must not include a request for the use of off-site nutrient credits.

C. Should new stormwater management regulations be issued affecting the Application Property, the Applicant will have the right to accommodate necessary changes to its stormwater/BMP facility designs without the requirement of a PCA, an amendment to the CDP/FDP, or gain approval of any administrative modifications to the CDP/FDP or proffers, provided the facility designs substantially conform with the CDP/FDP.

ASSOCIATIONS

43. Owners Association. Prior to the issuance of the first RUP on the Application Property, the Applicant must establish an Owners Association ("OA") in accordance with Virginia law. Alternatively, the Applicant may choose to join the Umbrella Owner's Association established by the Applicant of Phase I of Mount Vernon Gateway.

44. OA Maintenance Obligations. The Applicant, and subsequently the OA, will have specific maintenance responsibilities that must include, but not be limited to, the following:

A. Maintenance, repair, and replacement of private streets, parking areas, sidewalks, and plazas on the Application Property, including snow removal.

B. Maintenance, repair, and replacement of stormwater management facilities and devices.

C. Maintenance of recreational facilities and common areas, including lawn and landscaped areas, which may include replacement of trees and landscaping.

45. Disclosure. Prior to entering into a contract of sale, prospective purchasers of any residential units must be provided with a disclosure package that will include a detailed description of how the Application Property is governed, and the maintenance responsibility for the private roadways, walkways, stormwater management facilities, retaining walls, common area landscaping, park spaces and any other open space amenities. The package must also contain a disclosure explaining that the community open space areas are open to the general public.

46. Use of Garages. A covenant must be recorded on the dwellings that provides that garages must only be used for a purpose that will not interfere with the parking of vehicles. This covenant must be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any unit and must run to the benefit of the OA(s) and Fairfax County. Prior to entering into a contract of sale, initial purchasers must be advised of the use restriction, which must be included in the OA(s) documents prepared for the Application Property.

PUBLIC SCHOOLS

47. Contribution. Prior to the issuance of the first RUP for the Application Property, the Applicant must contribute the amount of $14,956.00 per new student projected to be generated to the Board for the construction of capital improvements to the Fairfax County Public Schools ("FCPS") to which the students generated by the residential units are scheduled to attend. For the 144 units shown on the CDP/FDP, 67.25 students are projected to be generated. The total amount of the contribution will be determined at time of site plan submission based on the actual number of new dwelling units to be constructed on the Application Property. Following approval of this application and prior to the Applicant's submission of a site plan, if Fairfax County should modify the ratio of students per unit or the amount of contribution per student, the Applicant must pay the modified contribution amount to reflect the then and current ratio and/or contribution. This contribution is not subject to the provisions of Proffer 52.

48. Notification. The Applicant must notify the FCPS Office of Facilities Planning Services when development is likely to occur or when a site plan has been filed with Fairfax County.

MISCELLANEOUS

49. Geotechnical Study. Prior to site plan approval, the Applicant must submit a geotechnical study for review and approval if LDS determines such as study is necessary. All recommendations of said study must be implemented.

50. Parks Wayfinding Signs. The Applicant will provide permanent wayfinding signage directing the public to publicly accessible parks consisting of a minimum of one park identification sign per urban park, consistent with the FCPA guidelines for Privately Owned Public Space ("POPS") signage and the Zoning Ordinance, subject to review and approval by FCPA at the time of site plan review.

51. Contribution. At the time of site plan approval, the Applicant must donate fifty thousand dollars ($50,000.00) to be utilized for manufactured home repair or replacement efforts within the Harmony Place or Audubon Estates communities in the Franconia District, as coordinated with the Franconia District Supervisor.

52. Escalation. All monetary contributions, except for the contribution associated with Public Schools, will escalate on a yearly basis from the base year of 2027 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 ("CPI"), as permitted by Va. Code Ann. Section 15.2-2303.3.

53. Due Diligence. Notwithstanding the foregoing, upon demonstration that despite diligent efforts or due to factors beyond an Applicant's control, such as, but not limited to, construction schedules, availability of financing, availability of materials, weather delays, and duration of approval process on market conditions, proffered improvements have been delayed beyond the timeframes specified, the Zoning Administrator may agree to a later date for completion of such improvements without the necessity of a PCA or an amendment to the CDP/FDP.

54. Severability/Future Applications. Any portion of the Application Property may be the subject of a rezoning, special exception, special permit, comprehensive sign plan, variance, FDPA, PCA, or other zoning action without the joinder and/or consent of the applicant/owner(s) of the remaining land area provided that such application compiles with the Zoning Ordinance. Previously approved proffered conditions or development conditions applicable to a particular portion of the Application Property that is not the subject of such an application will remain in full force and effect.

55. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in this proffer statement will include within its meaning and will be binding upon the Applicant's successor(s) in interest and/or the owners from time to time of any portion of the Application Property during the period of their ownership. Once portions of the Application Property are sold or otherwise transferred, the associated proffers become the obligation of the purchaser or other transferee and will no longer be binding on the seller or other transferor.

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

[SIGNATURES ON THE FOLLOWING PAGE]