

Proffers
PF-68-17-PMAC
May 8, 2018

Pursuant to Section 15.2-2303(a) of the 1950 Code of Virginia, as amended, and Section 18-249. 1 of the Zoning Ordinance of the Town of Vienna, Virginia, **Vienna Vision LLC**, the owner of the property described as Fairfax County TAX MAP #0384-04-0002 a 1.21037 AC. Deed Book 4536, Page 111 and **Douglas D'Alexander** Contract Owner of the property described as Fairfax County TAX MAP #0384-04-0017 a 0.14230 AC. Deed Book 4536, Page 105 and TAX MAP #0384-02-0016 a 0.05977 AC. Deed Book 4536, Page 109 and TAX MAP #0384-02-0017 a 0.35691 AC. Deed Book 4536, Page 107 and TAX MAP #0384-02-0016 a 0.19704 AC. Deed Book 4536, Page 109 (collectively, the "Property") and its developer, for itself and its successors and assigns (collectively, "Applicant"), agrees that the redevelopment and use of the property that is the subject of Zoning Map Amendment application **PF-68-17-PMAC** shall be in accordance with the following Proffers if the Zoning Map Amendment is granted and the Property is rezoned to the Maple Avenue Commercial ("MAC") District:

1. Conformance to Concept Site Plan. The general character of the redevelopment of the Property shall be in substantial conformance with the Concept Site Plan Documents prepared by Smith Engineering dated April 13, 2018, (the "Concept Site Plan"). The Concept Site Plan is composed of multiple sheets.
2. Architectural Design. The architectural design of the building on the Property shall conform generally with the character and quality of the design shown on the elevations which are Sheets 13 and 14 of the Site Plan, subject to the approval of and direction of the Board of Architectural Review ("BAR") of the Town of Vienna.
3. ROW Improvements. Prior to issuance of building permit the Applicant shall dedicate in fee simple varying widths at the corner of Pleasant Street and along Church Street for the purpose of increasing the ROW to 29' curb to curb on both Streets, as shown on the site plan.
4. Underground Utilities. Prior to issuance of occupancy permit Applicant shall place underground at the property line or within the adjacent off-site ROW all the existing and proposed DRY utility lines and poles that serve the new project, at no cost to the Town of Vienna. As part of the utility undergrounding, the Applicant shall not install additional above grade electrical facilities on property located at 125 Pleasant Avenue, NW, TAX MAP #0384-04-0029.
5. ADA Improvements. Prior to issuance of occupancy permit Applicant shall update the HANDICAP ramps for all adjacent crosswalks, including on the opposite side of the property at the corner of Maple Avenue North West and Pleasant Street North West, at no cost to the Town of Vienna.
6. Art Commission. The Applicant shall enter into an agreement between Town of Vienna and Developer to allow the Art Commission to create at their expense Public Art

(Statue), in the space provided in the park setting at the corner of Maple Avenue North West and Pleasant Street North West, the design to be mutually agreed upon.

Additionally, the Applicant shall enter into an agreement with the Town of Vienna to allow the Art Commission to create at the Art Commission's sole expense a Public Art Mural on the northeast corner of the proposed retail building (brick wall area). The exact location, size, and design of the Public Art Mural shall be mutually agreed upon by all parties to the agreement and the BAR is required.

7. Storm Drainage Maintenance Agreement. A maintenance agreement shall be recorded between the Applicant and the Town of Vienna specifying the maintenance responsibilities of the owner for storm drainage elements within the limits of proposed structure.
8. Irrigation Maintenance Agreement. The Applicant to provide irrigation and perpetual maintenance of the irrigation system for planting areas which are located across the Maple Avenue frontage of the subject property.
9. Curb Cut Removal. Prior to issuance of occupancy permit Applicant shall close one existing accessway, vehicular entrance or driveway on Maple Avenue, as shown on the site plan.
10. Additional Sidewalk curb and gutter. Prior to issuance of occupancy permit Applicant shall tie into and complete approximately 60' of off-site sidewalk, curb and gutter with substantially same building material in the public ROW along Church Street adjacent to the project. On Fairfax County TAXMAP #0384-02-0015.
11. Funding of CIP Projects. At the issuance of each residential occupancy permit, 44 in total, the Applicant will contribute a one time fee per unit of Four Hundred Forty-Four and 00/100's Dollars (\$444.00) towards Transportation Projects related to the site listed on the Town of Vienna's CIP dated June 30th, 2017 related to safe routes to schools, W&OD trail connections, and curb, gutter, and sidewalk projects.
12. Alternative Townhouse Use. Notwithstanding what is shown on the Concept Site Plan, the Applicant in its sole discretion may use the townhouse at the corner of Maple Avenue and Pleasant Street for residential, live-work, or retail. If the unit is used for non-residential uses, the architectural design may be modified from that shown on the Concept Site Plan to create a commercial design, including relocated the building entrance to the Maple Avenue façade and increasing the height of the building. Any non-residential use of the unit must comply with the applicable parking requirements in the Zoning Ordinance. Nothing in this proffer shall prohibit or restrict the Applicant from using the unit as a townhouse in conformance with the Concept Site Plan.
13. Construction Monitoring. The Applicant agrees to monitor for soil movement and structural damage to structures located at 317 Maple Ave, 110 Pleasant St NW #B, 112 Pleasant St NW #H, 301 Salsbury Ln, 125 Pleasant St SW, and 243 Church St NW (the "Monitored Properties") during construction of the project. Prior to beginning

construction, the Applicant will conduct surveys of the Monitored Properties to establish pre-development conditions and may install monitoring equipment. This proffer is expressly contingent upon the Applicant being given written permission by the owner of each Monitored Property to conduct a pre-construction survey and install monitoring equipment. If such written permission is not granted by the owner of one of the Monitored Properties within 5 days after being requested by the Applicant, then the Applicant shall be relieved of all obligations in this proffer and it shall automatically terminate related to that property.



Douglas D'Alexander
Principal & Managing Partner
Vienna Vision, LLC.
TAX MAP#0384-04-0002



Douglas D'Alexander
Contract Owner
TAX MAP#0384-02-0016
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