

## **DRAFT PROFFERS**

### **VIENNA DEVELOPMENT ASSOCIATES, LLC**

**June 22, 2018**

Pursuant to Section 15.2-2303(a) of the *Code of Virginia*, 1950, as amended, and Section 18-249.1 of the Zoning Ordinance of the Town of Vienna, Virginia, Vienna Development Associates, LLC, the owner of the property described below 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 this rezoning application PF-08-18-MAC and that is shown on the Fairfax County Tax Map as 38-3 ((2)) 139, 140, and 141, and 141A (collectively, the "Subject Property") shall be in accordance with the following proffers if the rezoning is granted and the Subject Property is rezoned to the Maple Avenue Commercial ("MAC") District:

1. Conformance to Concept Plan. The general character of the redevelopment of the Subject Property shall be in substantial conformance with the Concept Plan prepared by Walter L. Phillips, Mahan Rykiel, and KTGy, dated June 22, 2018.
2. Uses of the Property. The Subject Property may be used for any uses permitted in the MAC District, including uses permitted by conditional use permits issued by the Board of Zoning Appeals, provided all such uses conform to the requirements of the Zoning Ordinance, including parking requirements, as they may be modified or waived in accordance with the provisions of the Zoning Ordinance.
3. Residential Unit Mix and Number. The Applicant shall determine the final number and residential unit type at time of site plan so long as the minimum parking requirements are met and there is no decrease in open space nor decrease in building setbacks.
4. Architectural Design. The architectural design of the building on the Subject Property shall conform generally with the character and quality of the design shown on the elevations in the Concept Plan, subject to the approval of the Board of Architectural Review ("BAR") of the Town of Vienna.
5. Covered Plaza Ceiling Treatment. The Applicant shall determine the treatment of the three (3) covered plaza areas at time of final site plan. The Applicant shall work with Town Staff to ensure that the ceiling treatment is well-lit and inviting to the public.
6. Public Art. The Applicant shall include a minimum of one (1) location for public art. The location of public art will be determined at time of site plan and the cost of art installation and maintenance will be borne by the Applicant.
7. Maintenance of Items in Right of Way. The Applicant shall maintain the trees, shrubbery, sidewalks, and aprons in the Maple Avenue and Nutley Street public rights-of-way which extend from Applicant's property line to the back of the Maple Avenue and Nutley Street curbs.

8.     Maintenance in Rear of Subject Property. The Applicant shall maintain the 10 foot, 6 inch planting buffer located in the rear of the Subject Property, which includes an existing masonry wall.
9.     Transportation Demand Management (TDM). The Applicant shall implement the following TDM measures:

  - A.     Within 180 days of issuance of the first Certificate of Occupancy, the Applicant shall designate a Transportation Management Coordinator (TMC). The TMC shall advise residents, tenants, and employees, of the TDM program at least once a year. The TMC position may be part of other duties assigned to the individual. The TMC duties shall include the following:

    - (i)     Assist residents and employees in making effective and efficient commuting choices.
    - (ii)    Disseminate Metrorail, Fairfax Connector, ridesharing, and other relevant transit options to new residents, tenants and employees.
    - (iii)   Solicit support from the Metropolitan Washington Council of Governments (MWCOG) Commuter Connections program, the Washington Metropolitan Area Transit Authority (WMATA), the Town of Vienna, and others.
    - (iv)    Provide on-site assistance to residents and employees in forming and maintaining carpools and vanpools.
    - (v)     Disseminate park-and-ride lot information to prospective carpoolers and vanpoolers.
    - (vi)    Encourage residents and employees to ride bikes or walk to work.
    - (vii)   Promote the TDM Program among residents and employees through printed materials and web sites.
    - (viii)   Installation of transportation information displays in building lobby areas and installation of digital display screens for transit information showing real-time bus route and Metrorail information and alerts.
  - B.     At time of initial lease, the Applicant shall provide each resident a SmarTrip card with a one-time pre-paid value of \$25.00 per card, up to a maximum of two (2) cards per unit.
  - C.     Once the Subject Property has reached 90% occupancy, the Applicant shall establish a shuttle bus service that runs between the Subject Property and the Metro for a minimum of six (6) months. The shuttle bus service shall be available at thirty (30) minute intervals during the morning peak period (6:30 a.m. to 9:00

a.m.) and the evening peak period (4:00 p.m. to 7:00 p.m.) (excluding Saturdays, Sundays, and national holidays) to serve residents and employees. Upon the conclusion of the six (6) month period, and at any time thereafter, the shuttle service may be continued or discontinued in the Applicant's sole discretion.

- D. Prior to the issuance of a Certificate of Occupancy, the Applicant shall install four (4) electric vehicle charging stations.
  - E. As shown on the Concept Plan, prior to the issuance of the final Certificate of Occupancy for the Subject Property, the Applicant shall provide a pad on Maple Avenue for a bikeshare station, should the Town participate in a bikeshare program.
  - F. The Applicant shall provide safe, secure bicycle parking for both employees and residents.
  - G. Prior to issuance of the first Certificate of Occupancy, the Applicant shall provide a contribution of \$10,000 to the Town of Vienna to be used for construction of a bus shelter on the southwestern side of Nutley Street.
  - H. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall provide a contribution of \$10,000 to the Town of Vienna for traffic calming measures, as may be determined appropriate by the Town. Such measures may include, but not be limited to, signage, speed humps, speed tables, speed monitoring devices, traffic studies, educational efforts, and/or enforcement efforts.
9. Priority for Town of Vienna Employees. A priority leasing program will be implemented for the residential portion of the Subject Property. The program will provide move-in discounts for all Town of Vienna employees, including teachers, firefighters, police and Town staff. Move in fees and security deposits are waived including Application fee, Security Deposit, Move-in Fee, and one-time Amenity Fee.
10. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.

[SIGNATURES BEGIN ON NEXT PAGE]

VIENNA DEVELOPMENT ASSOCIATES, LLC

By:\_\_\_\_\_

Its:\_\_\_\_\_

JAMES C. MENG

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LUCY C. MENG

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[SIGNATURES END]