

## **DRAFT PROFFERS**

### **SUNRISE DEVELOPMENT, INC.**

**May 1, 2019**

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, Sunrise Development, Inc., 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 and that is shown on the Fairfax County Tax Map as 38-4 ((2)) 125A (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 and an accompanying conditional use permit for an assisted living facility is approved:

1. Conformance to Concept Plan. The general character of the redevelopment of the Subject Property shall be in substantial conformance with the plan comprised of twenty-three (23) sheets prepared by Walter L. Phillips, Inc. and Rust Orling Architecture, Inc. dated April 8, 2019 (the "Concept Plan").
2. Uses of the Property. The Subject Property may be used for an assisted living facility with up to 83 units. The ground floor of the building may be developed with all uses permitted on the ground floor in Section 18-95.4 of the Town of Vienna Zoning Ordinance, except for restaurants, and as may be approved with a conditional use permit.
3. 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. During the review by the BAR, the Applicant shall specifically discuss design options for the column at the corner of Center Street and Maple Avenue.
4. Public Art. The Applicant shall include public art in the pocket park after consultation with the Vienna Arts Commission. The cost of procurement, installation, and maintenance will be borne by the Applicant.
5. Vegetative Screen. The Applicant shall include a vegetative screen in the pocket park on the northeastern boundary of the Subject Property, subject to BAR approval.
6. Storm Box Culvert. As shown on the Concept Plan, the Applicant shall replace the storm box culvert in the northwest corner of the Subject Property with an approximately 12 foot by 4 foot box culvert. The final design shall be determined at time of site plan.
7. Bike Racks. The Applicant shall coordinate final bike rack selection with Town Staff at time of site plan approval.

8. Transportation Demand Management (TDM). The Applicant shall implement the following TDM measures:
  - A. Within 180 days of issuance of a Certificate of Occupancy, the Applicant shall designate a Transportation Management Coordinator (TMC). The TMC shall advise employees of the TDM program at least once a quarter. The TMC position may be part of other duties assigned to the individual. The TMC duties shall include the following:
    - (i) Assist employees in making effective and efficient commuting choices.
    - (ii) Disseminate Metrorail, Fairfax Connector, ridesharing, and other relevant transit options to new employees.
    - (iii) Solicit support from the Metropolitan Washington Council of Governments (MWCOC) Commuter Connections program, the Washington Metropolitan Area Transit Authority (WMATA), the Town of Vienna, and others.
    - (iv) Provide on-site assistance to employees in forming and maintaining carpools and vanpools.
    - (v) Disseminate park-and-ride lot information to prospective carpoolers and vanpoolers.
    - (vi) Encourage employees to ride bikes or walk to work.
    - (vii) Promote the TDM Program among employees through printed materials and web sites.
  - B. At time of initial building occupancy, the Applicant shall provide each employee a SmarTrip card with a one-time pre-paid value of \$25.00 per card.
9. Parking Management Plan (PMP). The Applicant agrees to submit a PMP and obtain the review and approval of such plan by the Director of Planning and Zoning prior to the issuance of a Certificate of Occupancy for the assisted living use. The Applicant will survey parking usage through the use of parking occupancy counts conducted on a typical weekday and a typical Sunday. The results of the parking occupancy counts will be provided in an annual report to the Town. The annual report will begin one year following issuance of the Certificate of Occupancy for the assisted living facility. An annual report will be provided for a minimum of three (3) years. After a period of three (3) years, the Applicant shall meet with the Department of Planning and Zoning to discuss whether conditions warrant continuation of an annual report. Notwithstanding the aforementioned, at any time subsequent to the issuance of the Certificate of

Occupancy the Town may suspend such annual report if conditions warrant such. Should any of the parking surveys indicate that parking demand exceeds parking supply, the Applicant shall work with the Town Department of Planning and Zoning to modify the PMP. Modifications to the PMP may include, but not be limited to, implementing additional transportation demand management strategies, modifying the internal parking layout, and/or obtaining off-site parking.

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]

APPLICANT/CONTRACT PURCHASER

TAX MAP REFERENCE 38-4 ((2)) 125A

SUNRISE DEVELOPMENT, INC.

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

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

[SIGNATURES CONTINUE]

OWNER

TAX MAP REFERENCE 38-4 ((2)) 125A

KIRSCHNER ENTERPRISES, INC.

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

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

[SIGNATURES END]