

PROFFER STATEMENT  
380 MAPLE AVENUE WEST  
36,842 square feet/ 0.85 acres

Proffer Amendment: PF-57-19-MAC

Record Owner Red Investment, LLC and MJW Maple Avenue, LLC

Applicant: Sunrise Development, Inc.

Property: Fairfax County Tax Map Reference: 38-3 ((2)) 147 and as shown on the Concept Plan (hereinafter “the Property”)

Zoning: Maple Avenue Commercial (MAC) District

Project Name: Sunrise of Vienna

Date: May 22, 2019

Revision Date: June 10, 2019  
July 31, 2019  
November 15, 2019  
December 12, 2019  
January 6, 2020

Pursuant to Va. Code Ann. § 15.2-2303 and § 18-249.1 of the Town of Vienna Zoning Ordinance, and subject to the Vienna Town Council approving a proffer amendment, the property owner and applicant for themselves and their successors and/or assigns (collectively referred to as the “Applicant”) hereby proffer that the development and use of the Property, located at 374-380 Maple Avenue West in the Town of Vienna, on the east side of Maple Avenue West at its intersection with Wade Hampton Drive SW, and identified as Fairfax County Tax Map Reference 38-3 ((2)) 147 (the “Property”) will be in substantial conformance with the following conditions. In the event this proffer amendment is granted as applied for by the Applicant, then these proffers will supersede and replace in their entirety all other proffers made prior hereto. In the event the proffer amendment is not granted as applied for by the Applicant, then these amended proffers will be deemed withdrawn.

The term “Applicant” as referenced herein will include within its meaning the current owner, all future owners, assigns, and successors in interest.

The term “Concept Plan” as referenced herein will refer to the plan entitled “Sunrise of Vienna,” prepared by Walter L. Phillips, Inc. and Rust Orling Architecture, Inc., dated November 15, 2019.

**1. DEVELOPMENT AND USE OF THE PROPERTY.**

1.1 Development on the Property will be limited to the construction of approximately 950 square feet of non-assisted living commercial space with up to 85 assisted living units and a

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maximum of 120 residents. The ground floor of the building may be developed with all uses permitted on the ground floor in § 18-95.4 of the Town of Vienna Zoning Ordinance and as may be approved with a conditional use permit. The Applicant reserves the right to modify the internal building layout at time of site plan provided that no more than 85 assisted living units are proposed, no more than 120 residents are permitted.

1.2 The architectural design of the building on the Property will conform generally with the character and quality of the design shown on the elevations in the Concept Plan, consistency with the approved Concept Plan and subject to consistency with the approved Concept Plan and the final approval of the Board of Architectural Review (“BAR”) of the Town of Vienna.

1.3 The maximum height of the structure will be fifty-four feet (54’) including the parapet and will conform to the requirements of Section 18.95-9 of the Town of Vienna Code.

1.4 The development of the Property will be in substantial conformance with the Concept Plan, which is incorporated herein by reference.

1.5 The structure shall be designed to earn the Design for Energy Star certification or similar program.

1.6 Notwithstanding the foregoing, upon the submission of final site plans, minor modifications and adjustments may be made including, but not limited to, road alignments, entrances, parking, dimensions of the SWM/BMP facilities, dimensions of the transformer(s) and associated enclosure(s), the exact configuration and location of building footprints, and other similar features shown on the Concept Plan necessary to accommodate best engineering practices.

**2. MAINTENANCE OF THE PROPERTY.**

2.1 The Applicant will maintain all exterior areas of the Property, or will ensure that such maintenance obligations are appropriately assigned to Unit or Property Owners Associations for ongoing maintenance thereof.

**3. PUBLIC ART**

3.1 The Applicant shall include public art on the Property. The cost of procurement, installation, and maintenance will be borne by the Applicant.

**4. TRANSPORTATION AND MOBILITY.**

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4.1 The Applicant will contribute the sum of \$79,950.00 at the time of site plan approval for the purpose of traffic safety improvements along Wade Hampton Drive, Glen Avenue, and Roland Street.

4.2 The Applicant will provide 36 feet of roadway within existing right-of-way for Wade Hampton as depicted on the Concept Plan.

**5. TRANSPORTATION DEMAND MANAGEMENT (TDM).**

5.1 The Applicant will implement the following TDM measures:

5.1.1 Within 180 days of issuance of the first Certificate of Occupancy for residential use, the Applicant will designate a Transportation Management Coordinator (TMC). The TMC will 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 will 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 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 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.

5.2 Delivery trucks shall be limited to trucks no longer than 30 feet in length.

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5.3 Subsequent to the issuance of a Certificate of Occupancy for assisted living use, the Applicant shall establish an annual budget of \$20,000 to be used toward transit incentives for employees of the assisted living facility.

6. **LANDSCAPING.**

6.1 The Applicant will plant trees along the south side of Glen Avenue in the Town of Vienna right-of-way, approximately 8 feet apart as shown on the Concept Plan, subject to consent by owners of properties fronting on Glen Avenue.

7. **UTILITIES.**

7.1 The electrical, telephone, and cable lines between the two utility poles located along Maple Avenue at the frontage of the Property will be placed underground. Notwithstanding this requirement, undergrounding will not require the Applicant to place such lines beneath Maple Avenue without the participation of Dominion Energy or other third parties.

7.2 The Applicant shall coordinate all undergrounding of utilities with the Town of Vienna.

8. **MISCELLANEOUS.**

8.1 These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.

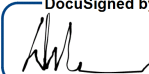
8.2 These proffers may be executed in one or more counterparts, each of which when so executed and delivered will be deemed an original, and all of which taken together will constitute but one and the same instrument.

[SIGNATURES BEGIN ON NEXT PAGE]

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CO-OWNER

RED INVESTMENT, LLC

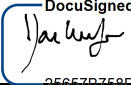
By:  DocuSigned by:  
CC7F9A00C7EB400...  
Name: Dennis E. Rice  
Title: Manager

[SIGNATURES CONTINUE]

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CO-OWNER

MJW MAPLE AVENUE, LLC

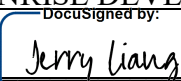
By:  25657D758B1443C...  
Name: M Jack wilkenfeld  
Title: Managing partner

[SIGNATURES CONTINUE]

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APPLICANT/CONTRACT PURCHASER

SUNRISE DEVELOPMENT, INC.

By:  \_\_\_\_\_  
DocuSigned by:  
7528C44F8D904EE...

Name: JERRY Liang

Title: VP

[SIGNATURES END]