Town of Vienna Virginia

Department of Planning and Zoning

MAC ZONE DESIGNATION APPLICATION INCENTIVES SHEET

Please check boxes for all incentives being requested

Type of Incentive Requested	Minimum Number of Features to be Provided		
	From Schedule A	From Schedule B	
A five percent increase in the maximum impervious surface	2	2	⊗
A ten percent increase in the maximum impervious surface	2	3	○
A 7.5 percent reduction in the minimum number of parking spaces required	1	2	○
A 15 percent reduction in the minimum number of parking spaces required	2	3	⊗
Inclusion of a mezzanine level for a commercial use which shall not count as an additional story.	1	1	○

Please check boxes for all incentive features being used in MAC project

Schedule	Type of Feature	
GREEN BUILDING CERTIFICATION		
AA	Designed to Earn the Energy Star certification (EPA program)	○
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	⊗
BBB	Construction of the principal structure to meet or exceed LEED Silver certification standards or another equivalent green building certification program	○
BB	Construction of the principal structure to Earn the Design for Energy Star certification or similar program	○
WATER CONSERVATION AND QUALITY PROTECTION		
AA	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water	○
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	○
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	○
B	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least two percent of the total site area.	⊗
B	Use of xeriscape landscaping techniques without irrigation	○
SITE CONFIGURATION		
AA	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	⊗
AA	Closure of one existing accessway, vehicular entrance or driveway on Maple Avenue	⊗
A	Provision of public art with a value meeting at least one percent of the total construction cost	○
A	Provision of all required long-term bicycle parking spaces in weather-protected rooms or cages with controlled access for bicycle users, and that also contain racks for the secure attachment of bicycles using a lock or other similar device.	○
BB	Provision of transit facilities (e.g., designated park-and-ride parking spaces, bus shelters*, bicycle share facilities or similar features)	⊗
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	○
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	⊗
BBB	Provision of public parking in an amount to exceed 110 percent of the required parking for the development	○

*The location and installation of the bus shelter shall receive an agreement of the pertinent transit authorities before the rezoning approval.

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PROFFERS

VIENNA DEVELOPMENT ASSOCIATES, LLC

November 13, 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. As required by the Town Code, the 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 October 12, 2018.

2. Uses of the Property. As required by the Town Code, 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 development shall be comprised of up to 151 dwelling units and a minimum of 19,000 square feet of commercial use. The Applicant shall determine the final number of units and residential unit type at time of site plan so long as no more than 151 units are constructed, 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 be consistent 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 two (2) 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, subject to review by the BAR as required by Town Code.

6. Public Art. The Applicant shall include public art in the interior of the parking garage, after consultation with the Vienna Public Arts Commission. The cost of procurement, design, 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 of Subject Property. The Applicant shall maintain all plantings and hardscape on the Subject Property, including the 10 foot, 6 inch planting buffer located in the rear of the Subject Property, which includes an existing masonry wall.

9. Utility Undergrounding. Prior to the issuance of the first Certificate of Occupancy for residential use, the Applicant shall underground approximately 440 linear feet of above-ground utilities along the Subject Property's Maple Avenue frontage including a portion of frontage on property identified as Fairfax County Tax Map Reference 38-3 ((2)) 142 (what is currently the Purple Onion) as shown on the Concept Plan which will eliminate three (3) utility poles along the Subject Property's Maple Avenue frontage. The undergrounding shall not include the bulk distribution poles at the corner of Maple Avenue and Nutley Street. The Applicant shall not preclude future undergrounding of the bulk transmission poles in the future by others. The Applicant shall further work with the Town of Vienna to co-locate utilities at the corner of Maple Avenue at Nutley Street, subject to approval from the appropriate utility company, in an effort to eliminate an additional utility pole.

10. Transportation Improvements. Prior to the issuance of the first Certificate of Occupancy for residential use, the Applicant shall complete the following improvements all subject to review by the Town's Department of Public Works:

A. Extend the westernmost left turn lane from Nutley Street to Maple Avenue by 120 feet.

B. Adjust the existing crosswalk on the east leg of the Maple Avenue and Nutley Street intersection as generally shown on the Concept Plan, including the construction of a new accessible curb cut on the southeast corner and the relocation of pedestrian signal head serving that crosswalk, as may be necessary.

C. Apply signal timing and/or phasing modification at the Maple Avenue and Nutley Street intersection to include a lagging left turn phase on one or both Maple Avenue left turn movements.

D. Provide a dedicated left turn lane and dedicated right turn lane to exit the Subject Property onto Maple Avenue.

E. Prior to the issuance of a building permit, the Applicant shall contribute $85,000 to the Town of Vienna to be applied to the Maple Avenue and Nutley Street Traffic Signal Improvement Project. Within six (6) months of issuance of a building permit, the Applicant shall provide a second and final contribution of $85,000 toward the signal improvement project. Should the improvement project not move forward, any funds contributed shall be returned to the Applicant.

11. Bus Shelter. Prior to issuance of the first Certificate of Occupancy for residential use, 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.

12. Traffic Calming. Prior to the issuance of the first Certificate of Occupancy for residential use, the Applicant shall provide a contribution of $16,000 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.

13. Transportation Demand Management (TDM). The Applicant shall implement the following TDM measures:

A. Within 180 days of issuance of the first Certificate of Occupancy for residential use, 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 quarter. 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-up, 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. Before the Subject Property has reached 75% residential occupancy, the Applicant shall establish a shuttle bus service that runs between the Subject Property and the Vienna Metrorail Station for a minimum of twelve (12) 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 twelve (12) month period, if the shuttle ridership is less than a monthly average of twenty (20) riders during the aggregate peak periods, the Applicant shall have the option of discontinuing the shuttle, subject to providing notice to the Town and consultation with the Town Manager. The discontinuation of the shuttle shall not affect the trip reduction objective of this as described in Proffer 14.

D. Prior to the issuance of the first Certificate of Occupancy for residential use, 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 residential use, the Applicant shall provide a pad on Maple Avenue for a bikeshare station, should the Town participate in a bikeshare program. Prior to establishment of a bikeshare program and/or if the Town does not participate in such a program, the Applicant may provide a bike rack in this location.

F. The Applicant shall provide safe, secure bicycle parking for both employees and residents.

14. Trip Reduction Objective. The objective of this TDM Program will be to reduce the vehicle trips generated by the residential use by twenty-five percent (25%) during weekday A.M. and P.M. peak hours. This trip reduction percentage will be multiplied by the total number of vehicle trips that would be expected to be generated by the residential use developed on the Property as determined by the application of the Institute of Traffic Engineers, 9th Edition, Trip Generation rates and/or equations (the "ITE Trip Generation"), and the number of trips determined by the product of such equation will be referred to herein as the "Maximum Trips After Reduction." For purposes of this calculation, the maximum number of dwelling units proposed to be constructed on the Subject Property as determined at the time of site plan approval will be applied to the calculation described in the preceding sentence.

15. Trip Reduction Monitoring. The TMC will verify that the trip reduction goals are being met through the provision of commute surveys of residents and/or other such methods as may be reviewed and approved by the Town. The results of such commute surveys will be provided to the Town as part of an annual report. Commute surveys will begin one year following issuance of the final Certificate of Occupancy for residential use on the Subject Property.

Commute surveys will be conducted every year thereafter until the results of three (3) consecutive annual reports show that the applicable Maximum Trips After Reduction for the Subject Property are not exceeded at build-out. Any time during which survey response rates do not reach twenty percent (20%), the Town may request additional surveys to be conducted the following year. At such time as the Maximum Trips After Reduction has been met for three (3) consecutive years, an additional commute survey will be provided after two (2) years. Notwithstanding the aforementioned, at any time prior to or after build-out, the Town may suspend such commute surveys if conditions warrant such.

16. 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/TITLE OWNER OF
TAX MAP 38-3 ((2)) 139, 140, 141, 141A

VIENNA DEVELOPMENT ASSOCIATES, LLC

By: _____

Name: Robert S. Hekemian, Jr.

Its: Managing Member

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNERS OF
TAX MAP 38-3 ((2)) 139, 140, 141, 141A

JAMES C. MENG

_____ 10/25/18

LUCY C. MENG

_____ 10/25/18

[SIGNATURES END]

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ktgy

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KTGY Project No: #2019-0073

Developer

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COMMONWEALTH OF VIRGINIA
BENJAMIN KASDAN
Lic. No. 0401048390
ARCHITECT

444 MAPLE AVENUE

VIENNA, VIRGINIA

No.	Date	Description

It is the clients responsibility prior to or during construction to notify the architect in writing of any perceived errors or omissions in the plans and specifications of which a contractor thoroughly knowledgeable with the building codes and methods of construction should reasonably be aware. Written instructions addressing such perceived errors or omissions shall be received from the architect prior to the client or clients subcontractors proceeding with the work. The client will be responsible for any defects in construction if these procedures are not followed.

PERMIT SET

MAY 8, 2020

PROFFERS AND INCENTIVES

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