

PROFFERS

TDC ACQUISITIONS, LLC

ZONING MAP AMENDMENT – 4131 CHAIN BRIDGE ROAD

September 27, 2023

Pursuant to Section 15.2-2303.A of the *Code of Virginia*, 1950, as amended, and § 6.4.10 of the Zoning Ordinance of the City of Fairfax, Virginia, TDC Acquisitions, LLC, for the owner, and successors and/or assigns (hereinafter referred to as the “**Applicant**”) in Z-23-00073 filed on property identified on the City of Fairfax tax map as part of 57-4-02-040 (hereinafter referred to as the “**Application Property**”) hereby proffers the following, provided that the Fairfax City Council approves a zoning map amendment for the Application Property in conjunction with a general development plan for a mixed-use residential and commercial development (the “**Project**”). These proffers shall replace and supersede all previous proffers approved for the Application Property. In the event the zoning map amendment is denied by the Council, these proffers shall immediately be null and void.

1. GENERAL DEVELOPMENT PLAN

Development of the Application Property shall be in substantial conformance with the General Development Plan (the “**GDP**”) prepared by Bohler, WDG Architecture and Parker Rodriguez consisting of 27 sheets, dated September 27, 2023. The Applicant shall have the flexibility to make minor modifications to site design and improvements shown on the GDP based on final engineering and design subject to the approval of the Director of Community Development and Planning.

2. USES

The following uses shall be permitted on the Application Property:

- A. Multifamily residential with up to 355 dwelling units;
- B. Retail space of approximately 4,810 square feet; and
- C. A below-grade parking garage accessory to the above-stated uses.

3. TRANSPORTATION

- A. Private Road. Prior to the issuance of the first Residential Use Permit (“RUP”) or Non-Residential Use Permit (“Non-RUP”) for the Application Property, the Applicant shall construct the private road and sidewalk (collectively, the “Private Road”) providing a vehicular and pedestrian access from Chain Bridge Road and University Drive, as shown on the GDP. The final design and dimensions of the Private Road shall be coordinated with the Department of Public Works at the time of site plan. The Applicant, or any homeowner’s association formed by the Applicant, shall be responsible for maintenance of the Private Road.

- B. Sidewalks. The Applicant shall construct sidewalks along all street frontages, as shown on the GDP.
- C. Access. At the time of construction of the Private Road and sidewalks, the Applicant shall record among the land records the requisite easements including, but not limited to public ingress/egress and emergency vehicle access easements, in forms approved by the City Attorney, over all streets and sidewalks located on the Application Property.
- D. Construction Timing. The Applicant shall coordinate phasing of transportation improvements with the Department of Public Works at time of site plan.

4. STORMWATER MANAGEMENT

Design and construction of Stormwater management facilities shall comply with 4VAC50-60 Virginia Stormwater Management Program (“VSMP”) Permit Regulations, as may be amended, or other relevant standard in place at the time of building permit submission.

5. GREENWAY

The Applicant shall construct a publicly-accessible “greenway” between the two proposed buildings on the Application Property, as shown on the GDP. Construction of the greenway shall occur during construction of the Project. At such time as the greenway is constructed, the Applicant shall record among the land records the requisite easements to allow public access and use of the greenway. The Applicant, or any homeowner’s association formed by the Applicant, shall be responsible for maintenance of the greenway.

6. LANDSCAPING AND OPEN SPACE

- A. General. Landscaping on the Application Property shall be in general conformance with the landscape design shown on the GDP and the City’s Public Facilities Manual standards, where applicable. Final selection of the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be made as a component of the site plan approval process.
- B. Construction Timing. The Applicant shall coordinate phasing of landscaping and open space improvements with the Department of Public Works at time of site plan.

7. RECREATIONAL AMENITIES

- A. The Applicant shall provide on-site recreational facilities as shown on the GDP to serve the residences of the Application Property that may include, but not be limited to, a fitness center, clubroom, lounge, pool, pet spa, and amenity courtyards.

8. ARCHITECTURAL DESIGN

- A. The architectural design and style of the buildings shall be generally consistent with the conceptual elevations as shown on the GDP. The elevations may be refined as a result of final design and engineering so long as the character and quality of the

buildings remain in substantial conformance with those shown on the GDP. Building materials shall be predominately brick, cementitious panels, and may also include stone, and/or metal paneling.

- B. All residential units shall comply with all applicable municipal, state, and federal accessibility and anti-discrimination requirements in place at the time of building permit submission.
- C. Notwithstanding the unit mix provided on the GDP, the Applicant shall have the ability to modify the final unit mix at time of site plan, provided that such modification shall not apply to more than ten percent (10%) of the total number of units, and provided that the minimum parking ratios provided on C-2.00 of the GDP are met for each unit type.
- D. At the time of site plan, the Applicant shall identify accessible units as required by the then in place applicable municipal, state, and federal accessibility requirements.

9. HISTORIC

- A. Prior to the issuance of a demolition permit for the existing single-family home on the Application Property, the Applicant shall hire a contractor to conduct an architectural history report of the Property. The Applicant shall provide the architectural history report to the Director of Community Development and Planning (“Director”) prior to the issuance of the first RUP or Non-RUP for the Project.
 - i. The contractor shall meet the qualification standards of 36 C.F.R. 61; and
 - ii. The architectural history report shall include, to the extent feasible, a history of the home, a title bring down on the property and title documents from 1850 to the present day, a description of the home’s architectural evolution (e.g. approximate dates and types of additions to the home), a measured plan of the home’s first floor, and a discussion of the Davies family and their significance in local history.
- B. Prior to the issuance of a demolition permit for the existing single-family home on the Application Property, the Applicant shall commission a Phase II Cultural Resources Survey for the Application Property and provide the results of such survey to the Director.

10. SUSTAINABLE DESIGN

In order to promote energy conservation, sustainability, and green building techniques, the Applicant shall seek a green building certification level of LEED v4 Certified (or equivalent) for the proposed building. A LEED accredited professional (AP) shall be included as a member of the design team. At the time of site plan submission, the Applicant shall include a list of specific credits with the registered version of the LEED (or equivalent) rating system that the Applicant anticipates attaining. The LEED-AP will provide a written certification statement confirming that the items on the list of credits will

meet at least the minimum number of credits to attain LEED certification for the building. Prior to final bond release for the building, the Applicant will submit documentation to the Department of Community Development and Planning confirming the status of LEED certification for the building

11. PARKING MANAGEMENT

- A. The Applicant shall provide parking in conformance with the GDP. Parking for the various uses shall be located in the proposed parking garage. Notwithstanding the number of parking spaces indicated on the GDP, the Applicant may increase the final number of parking spaces provided at time of final site plan provided that any additional parking spaces are located within the parking garage, that the minimum parking rates as depicted on the GDP are provided, and that open space is not decreased and the distance to peripheral lot lines is not decreased.
- B. The Applicant shall inform all residents of the City's vehicle registration requirements. The Applicant shall provide the Commissioner of the Revenue and Treasurer, or their designee(s), with periodic access to the parking garage for the purpose of enforcing compliance with the City's vehicle registration requirements.

12. BICYCLE PARKING

Bicycle racks and bicycle storage shall be installed in the amount and locations as generally depicted on the GDP. Notwithstanding, final locations of bicycle racks and storage areas may be adjusted at the time of site plan.

13. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

In an effort to reduce the numbers of vehicle trips generated by the Application Property, the Applicant shall implement Transportation Demand Management ("TDM") strategies. The TDM program will include, but shall not be limited to, the following measures:

- A. Designation of a Transportation Management Coordinator ("TMC"), which may be one of the duties assigned to the Applicant's property manager. The TMC will actively promote the use of public transit and alternative transportation options.
- B. The installation of a transit information center in the leasing office and/or lobby area of the building that includes information regarding CUE bus routes and time tables, other local transit services, carpool programs and ridesharing programs. The TMC will ensure that the information displayed in the kiosk is current.
- C. The installation of an electronic display in the leasing office and/or lobby area of the building that provides information regarding the anticipated arrival times of CUE buses or other shuttle services to stops in the vicinity of the Application Property.
- D. The designation of car sharing parking spaces on the Application Property.

- E. Upon the establishment of a bikeshare program in the City, the Applicant shall encourage the use of bikeshare by offering bikeshare membership discounts to its residents.
- F. On an annual basis, the Applicant shall conduct resident surveys to determine the use of public transportation, carpooling, bicycles and any other transportation options. The Applicant shall provide the City with the results of resident surveys each year.

14. CONSTRUCTION MANAGEMENT

- A. Prior to site plan approval, the Applicant shall submit a Construction Management Plan for approval by the City Manager or his designee. The Construction Management Plan shall address items including, but not limited to, the following:
 - (i) Hours of construction;
 - (ii) Truck routes to and from entrances to the Application Property;
 - (iii) Location of parking areas for construction employees;
 - (iv) Truck staging areas;
 - (v) Storage areas;
 - (vi) Traffic control measures; and
 - (vii) Fencing details, including specifications for an opaque construction fencing and/or wrap that identifies the project and provides contact information for the developer and/or general contractor.
- B. Prior to commencement of construction, the Applicant shall provide the Department of Community Development and Planning with the name and telephone number of a community liaison who will be available throughout the duration of construction on the Application Property.

15. SIGNS

All signs on the Application Property shall comply with the regulations set forth in the Zoning Ordinance. However, the Applicant reserves the right for itself, its successors or assigns, to pursue a special exception or such other required approval for signs not otherwise permitted by the Zoning Ordinance.

16. MISCELLANEOUS

- A. Lighting. All outdoor lighting provided on site will comply with the provisions of Section 4.8 of the Zoning Ordinance. At the time of site plan the Applicant will submit a photometric plan demonstrating compliance with the requirements of Section 4.8 for review and approval by DPW

- B. Occupancy Restrictions. To the extent permitted by State and Federal Fair Housing regulations, the occupancy of each dwelling unit in the development shall be limited to no more than two (2) persons per bedroom plus one (1) additional person per unit.
- C. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute but one in the same document.
- D. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

17. PUBLIC ART

The Applicant shall collaborate with local artists/institutions (e.g., GMU), to provide a public art experience within the Greenway.

[SIGNATURES BEGIN ON NEXT PAGE]

OWNER

The Hill, a Davies Family LLC

By:

Its: Managing Member

[SIGNATURES CONTINUE]

CONTRACT PURCHASER

TDC Acquisitions, LLC

By:
Its: