

**STATEMENT OF
PROFFERED
CONDITIONS**

**WOODBIDGE
COMMONS, LLC**

**ZONING MAP
AMENDMENT Z-23-00711**

June 26, 2024

Pursuant to Section 15.2-2303(a) of the *Code of Virginia*, 1950, as amended, and Section 110-7 (b) of the Zoning Ordinance of the City of Fairfax, Virginia, Woodbridge Commons, LLC, for the itself, the owners, and successors and/or assigns (hereinafter referred to as the "Applicant") in Z-23-00711 filed on property identified on the City of Fairfax tax map 48-3-08-002A and 48-3-002B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Fairfax City Council approves a rezoning of the Application Property from the CR District to the CU District with a concurrent Special Use Permit and Special Exception (numbers SUP 23-00712 and SE 23-00713, respectively) request in conjunction with a General Development Plan and Special Use Permit Plat to allow the construction of a ten -story residential and commercial mixed use building. In the event the rezoning and/or the special use permit and/or special exception are denied by the Council, these proffers shall immediately be null and void.

1. MASTER DEVELOPMENT PLAN/SPECIAL USE PERMIT PLAT

Development of the Application Property shall be in substantial conformance with the General Development Plan prepared by Urban, Ltd., dated December 2022, as amended through April 4, 2024 (the "GDP"). Minor modifications to site design and the improvements identified on the GDP may be made in response to final design and engineering, subject to the approval of the Zoning Administrator and/or the Director of Community Development and Planning, as applicable.

2. USES

The following uses shall be permitted in the upper story residential/mixed use building on the Application Property as identified on the GDP/SUP Plat:

- A. Multifamily residential up to a maximum of two hundred sixty one (261) for-rent apartment dwelling units.
- B. Approximately 16,600 square feet of ground floor non-residential uses that may include bank, general office, medical office, or other commercial uses as permitted in the CU District. Notwithstanding the mix of commercial floor area currently identified on the GDP, the Applicant reserves the right to modify the mix in the future in response to market demand.

- C. The existing uses on the Application Property shall remain until the commencement of construction.

3. TRANSPORTATION

- A. Blenheim Boulevard and Future Traffic Signal. Prior to the issuance of a Zoning Permit for residential or commercial use and occupancy for the Application Property, the Applicant shall construct a vehicular and pedestrian connection to Blenheim Boulevard as shown on the GDP (the “Main Entrance”). The intersection of Main Entrance and Blenheim Boulevard shall consist of a signalized entrance as identified on the GDP, provided, however, that the configuration of the traffic signalization shall be as approved by Fairfax City. At such time as a traffic signal is installed, the Applicant shall provide at no cost to Fairfax City the requisite easements, access, and/or permissions from the Applicant that are reasonably necessary to allow the installation of the traffic signal. Notwithstanding what is shown on the GDP, the final design of the Main Entrance and the proposed intersection shall be coordinated with the Department of Public Works at the time of site plan submission and review. In addition, the Applicant will coordinate its design activities as necessary with any abutting or surrounding property owners.
- B. Maintenance and Access of Entry Drive. The proposed main entry drive off Blenheim Boulevard (the “Entry Drive”) shall be constructed and maintained by the Applicant as a private street, with a non-exclusive easement, to allow public access from and to the proposed project buildings. The Applicant shall record among the land records public ingress/egress and necessary emergency vehicle access easements, in forms approved by the City Attorney, over the proposed Entry Drive on the Application Property.
- C. Sidewalks. The Applicant shall construct sidewalks along all street frontages as identified on the GDP. The Applicant shall record among the land records a public ingress/egress easement, in a form approved by the City Attorney, over all sidewalks or portions thereof located on the Application Property. Notwithstanding the foregoing, the Applicant is permitted to construct sidewalks or pedestrian walkways adjacent to the proposed public sidewalks for the purpose of providing dining and associated activities thereon.
- D. Main Street Right of Way Dedication. Prior to site plan approval, the Applicant shall dedicate that portion of the Application Property that lies within the proposed right-of-way along the Application Property’s frontage on Blenheim Boulevard to up to 50 feet from centerline along the Application Property’s Main Street frontage as identified on the GDP/SUP Plat to comply with the minimum right-of-way required by the Subdivision Ordinance. Said dedication shall be made at no cost to the City of Fairfax.

4. FUTURE INTER-PARCEL ACCESS. The Applicant shall reserve an area along the western property line to permit the connection of a future inter-parcel access to the adjacent properties.

5. UTILITIES. All new on-site utilities installed on the Application Property will be located underground. All existing overhead utilities along the Blenheim Boulevard frontage of the Application Property will be either removed or relocated underground. With its first and all subsequent site plan submissions. With its site plan submission, the Applicant shall include a detailed utility undergrounding plan demonstrating compliance with this proffer for review and approval by DPW. In conjunction with the utility undergrounding or relocation the Applicant will coordinate as necessary with any affected abutting or surrounding property owners.

6. STORMWATER MANAGEMENT

Design and construction of stormwater management facilities shall comply with all applicable Virginia Stormwater Management Program (VSMP) Permit Regulations, as may be amended, or other relevant standard in place at the time of the site plan submission.

7. LANDSCAPING AND OPEN SPACE

A. General. Landscaping on the Application Property shall be in general conformance with the landscape design shown on the GDP. 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.

8. PARKING

A. The Applicant shall provide parking in conformance with the GDP. Parking for the various uses shall be located in the proposed parking garage identified on the GDP. Notwithstanding the number of parking spaces indicated on the GDP, the Applicant may adjust the final number of parking spaces provided at time of final site plan provided that the minimum number of parking space required by the Zoning Ordinance are provided.

B. The garage shall be available and accessible to future residents, commercial tenants, patrons, employees, visitors and guests of the proposed upper story residential and commercial mixed use building. The Applicant shall establish rules, regulations, and procedures for the parking garage. Parking management shall entail the efficient use of available constructed parking spaces, and may include, but is not limited to, the assignment of parking spaces to residents and/or commercial tenants within the parking garage, the designation of parking spaces for retail customer, residential visitor, or employee use, and other parking management methods selected by the Applicant. The Applicant shall designate an individual, which may be the Applicant's property manager, who shall be

responsible for the parking management.

9. TRANSPORTATION DEMAND MANAGEMENT. In an effort to reduce the number of vehicle trips generated by the proposed development, the Applicant shall implement a Transportation Demand Management (“TDM”) program. The TDM Program will include, but shall not be limited to, the following measures:

A. Multifamily residential apartments.

- (1) Appointment of a representative of the Applicant to serve as a property transportation coordinator (PTC).
- (2) Installation of a transit information display in the commercial lobby area. Said display shall include information regarding Metrorail, Metro bus, CUE bus, ridesharing, and other relevant transit options available to employees and residents in Old Town Fairfax the vicinity of the Application Property.
- (3) At the time of the initial settlement of each apartment unit, the distribution of an information package to tenants that includes, but is not limited to, a description of bus routes and nearby bus stop locations, metro transit schedules, and ride share initiatives.
- (4) Distribution to apartment tenants of any transit advertising information provided by the City and community information at set intervals agreed to by the City and the Applicant, which will include links to websites for local transit opportunities.
- (5) At the time of the initial occupancy of each unit, the distribution to initial tenants of one of the following items of their choice:
 - a. SmarTrip (or equivalent) card with \$50.00 fare loaded limited to two persons per townhouse, or
 - b. A one-year bike share membership, or
 - c. A one-year car share membership.
- (6) Resident transportation surveys conducted on an annual basis by the PTC to determine the success of the TDM program and submission of the surveys to the City. Said surveys are to commence the year after the issuance of the final occupancy permit for the residential units. If the TDM program goals are deemed to have been met in three consecutive years, the Applicant will be relieved from its obligation to conduct surveys thereafter.

B. Commercial uses.

- (1) Designation of an employee of Applicant as a Transportation Management Plan (TMP) coordinator.
- (2) Installation of a transit information display in an appropriate location as agreed by the City. Said display shall include information regarding Metrorail, Metro bus, CUE bus, ridesharing, and other relevant transit options available to employees and residents in Old Town Fairfax and the vicinity of the Application Property.
- (3) Display of the TMP coordinator's name and contact information in designated common areas, employee break areas, and on-line.
- (4) Annual events established by the TMP coordinator to provide communication regarding transit, target transit marketing, and support bicycling efforts.
- (5) Use of regular web-based resident and employee communication tools by the TMP coordinator to provide commuting information with links to external transit websites.
- (6) Distribution of a SmarTrip card with \$20.00 pre-loaded fare value and information regarding enrollment in a Smart Benefits pre-tax benefits program to employees upon initial hire. In addition, ride-sharing marketing materials provided by the City and/or Commuter Connections will be included in employee welcome packages and displayed in employee break rooms.
- (7) Annual surveys conducted by the TMP coordinator to determine the success of the transportation program. In addition to surveys, the TMD coordinator shall collect car counts and evaluate bicycle parking usage. The surveys and other information shall be submitted to the City. Said surveys to commence one year after the issuance of the final occupancy permit for Phase Three. If the TDM program goals are deemed to have been met in three consecutive years, the Applicant will be relieved from its obligation to conduct surveys thereafter.

C. A final TDM Program that is consistent with the requirements of this Proffer will be submitted to City staff for review and approval prior to site plan approval for the development. The TDM Program is intended to result in a robust plan with incentives to reduce the number of vehicle trips generated by the development, as periodically reported to the City.

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 Silver (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. BICYCLE STORAGE. Bicycle racks and bicycle storage shall be installed as generally depicted on the GDP. Notwithstanding the locations identified on the GDP/SUP Plat, the final locations of bicycle racks and storage areas may be adjusted at the time of site plan.
12. SIGNS. All signs on the Application Property shall comply with the regulations set forth in the Zoning Ordinance. The Applicant reserves the right for itself, its successors and assigns, to pursue a special exception or such other required approval for signs not otherwise permitted by the Zoning Ordinance.
13. AFFORDABLE DWELLING UNITS
 - A. Based on the number of proposed units, the Applicant will provide fifteen (15) residential units as affordable dwelling units in accordance with applicable provisions of Section 3.9 (Affordable Dwelling Units) of the Zoning Ordinance.
14. CONSTRUCTION MANAGEMENT
 - A. Prior to site plan approval, the Applicant shall submit a Construction Management Plan for approval by the Director of the Department of Public Works (DPW) or his/her 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 construction entrances to the Application Property;
 - (iii) Maintenance of entrances.
 - (iv) Location of parking areas for construction employees;
 - (v) Truck staging and cleaning areas;
 - (vi) Storage areas;
 - (vii) Temporary fencing as needed to screen on-site staging areas;
 - (viii) Trailer and sanitary facility locations;
 - (ix) Traffic control measures; and

- (x) 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 site plan approval, the Applicant shall provide a plan to DPW for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks and any other features necessary to ensure safe pedestrian and vehicular travel during construction.
- C. 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.
- D. Outdoor construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m., weekdays, and 8:30 a.m. to 5:00 p.m., Saturdays. No construction activity shall take place on Sundays.

15. 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. 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.
- C. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

[SIGNATURES BEGIN ON NEXT PAGE]

APPLICANT OWNER
TAX MAP 48-3-08-002A and 48-3-002B

WOODBRIIDGE COMMONS, LLC,
a Virginia limited liability company

By: Ahmet
Aksoylu Its: Manager

[SIGNATURES END]