

PROFFERS
THE HILL, A DAVIES FAMILY LLC
ZONING MAP AMENDMENT – 4131 CHAIN BRIDGE ROAD
December 2, 2024

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, The Hill, a Davies Family LLC, as owner and applicant (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 City 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 Urban, Ltd. and Lessard Design, dated December 2, 2024. 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. Residential: Upper Story Residential/Multifamily Residential with up to 276 dwelling units;
- B. Nonresidential Uses: For the approximately 10,569 square feet of floor area on the ground floor, the following nonresidential uses shall be permitted:
 - (i) Commercial Uses: General Retail, General Offices, Medical Offices, Grocery Store, General Services, Personal Services, Restaurants or Food Services, Art Galleries or Studios, Research and Development, and Indoor Recreation (limited to Day Spas and Health Clubs); and
 - (ii) Public, Civic and Institutional Uses: Adult Day Care, Community Services, Day Care Centers, Nursery Schools, and Minor Social Service Delivery.
- C. Parking: A below-grade parking garage accessory to the above-stated uses.

3. TRANSPORTATION

- A. Access Drive. Prior to the issuance of the first residential occupancy permit or nonresidential occupancy permit for the Application Property, the Applicant shall construct the private access drive and sidewalk (collectively, the “Access Drive”) 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 Access Drive 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 Access Drive.
- B. Sidewalks. The Applicant shall construct new or improve existing sidewalks along the Chain Bridge Road and University Drive street frontages, and construct a new sidewalk along the southern side of the proposed Access Drive, all as shown on the GDP.
- C. Access. At the time of construction of the Access Drive 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 the Access Drive, the greenway, and all 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.
- E. Bus Shelter. Prior to the issuance of the final occupancy permit for residential and nonresidential use and occupancy, the Applicant shall either (i) install a bus shelter on Chain Bridge Road in the general location as identified on the GDP, in accordance with the City’s Public Facility Manual bus stop design guidelines and in coordination with DPW at the time of site plan, or (ii) contribute the sum of \$10,000 to the City towards the cost of the bus shelter. Upon installation or the payment of the contribution, the Applicant shall have no responsibility for the ongoing operation or maintenance of the bus shelter.

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 on the Application Property.

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 City's Urban Forester at time of site plan.
- C. In-Lieu Tree Canopy Contribution. Prior to the issuance of the first occupancy permit for residential or nonresidential use, the Applicant shall contribute an amount equal to \$28,418, representing the current pricing index for twenty-six (26) 2" caliper deciduous trees, for use in tree planting, establishment and maintenance in the City of Fairfax.

7. RECREATIONAL AMENITIES

- A. The Applicant shall provide on-site recreational facilities as shown on the GDP to serve the residents of the Application Property that may include, but not be limited to, a fitness center, clubroom, lounge, pool, pet spa, and amenity courtyards.
- B. Following commencement of construction but prior to the issuance of the first occupancy permit for residential use, the Applicant shall contribute an amount equivalent to \$378.00 per residential unit to the City of Fairfax for use in the planning, design and/or construction of off-site recreational amenities in the vicinity of the Application Property.

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 count (up to 276) and 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 Sheet 02 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. SUSTAINABLE DESIGN

- A. In order to promote energy conservation and green building techniques, the Applicant shall incorporate energy saving devices which may include, but not be limited to, use of ENERGY STAR® appliances, energy efficient mechanical systems, recycling for occupant refuse, energy efficient lighting and insulation that meets or exceeds applicable energy code requirements.
- B. 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 program) for the proposed buildings. 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 Project.

10. 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.
- C. The Applicant shall install Level 2 Electric Vehicle Charging Stations in the proposed parking garage on the Application Property to accommodate a minimum of twenty (20) designated electric vehicle parking spaces.

11. UTILITIES

Subject to the approval of the applicable utility company, all new on-site utility conduit lines installed on the Application Property will be located underground. All existing overhead utilities along the Chain Bridge Road frontage of the Application Property will be either removed or relocated underground. With its first and all subsequent site plan submissions, 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.

12. 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.

13. 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) Maintenance of entrances;
 - (iv) Location of parking areas for construction employees;
 - (v) Truck staging and cleaning areas;
 - (vi) Storage areas;
 - (vii) Trailer and sanitary facility locations;
 - (viii) Temporary fencing as needed to screen on-site staging areas;
 - (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 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.

14. HISTORIC RESOURCES

- A. Prior to the issuance of a demolition permit for the existing single-family home on the Application Property, but no later than one year after approval of this rezoning application, 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”).
- (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 bringdown 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, but no later than one year after approval of this rezoning, the Applicant shall commission a Phase II Cultural Resources Survey for the Application Property and provide the results of such survey to the Director.
- C. The obligations of Subsections A and B above are contingent upon the receipt by the Applicant from the Director, no later than thirty (30) days after approval of this rezoning application, of the City’s prior reports and surveys of 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. SCHOOLS

Prior to the issuance of the first occupancy permit for residential use, the Applicant shall contribute \$378.00 per dwelling unit in the Project to the City of Fairfax to mitigate impacts to City schools.

17. MICELLANEOUS

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

[SIGNATURE ON NEXT PAGE]

OWNER/APPLICANT

The Hill, a Davies Family LLC

By:

Its: Managing Member