County of Fairfax, Virginia
Planning Commission Meeting
July 16, 2026
Planning Commission Action

RZ/FDP-2024-MA-00012 – NICHOLAS LRT LLC
(Mason District)

PLANNING COMMISSION RECOMMENDATIONS:
On July 16, 2026, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of the following actions:

- RZ 2024-MA-00012 and the associated CDP 2024-MA-00012, subject to the execution of the proffers dated July 8, 2026; and

- Modification of the secondary use limitation of 75 percent of gross floor area specified in Section 2105.4 of the Zoning Ordinance to 100 percent.

In a related action, the Planning Commission voted 12-0 to approve FDP 2024-MA-00012 subject to the Board's approval of the concurrent rezoning application.

ATTACHED DOCUMENTS:
Proffers dated July 8, 2026

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PROFFERS

RZ/FDP 2024-MA-00012
7620 LITTLE RIVER TURNPIKE

July 08, 2026

PREAMBLE

Pursuant to Section 15.2-2303(a) of the Code of Virginia (1950, as amended) and Article 8-8100.2.D of the Zoning Ordinance of Fairfax County (2021, as amended), the property owner and the Applicant, for themselves and their successors and/or assigns (hereinafter referred to as the "Applicant"), hereby proffer that the development of the parcel under consideration and shown on the Fairfax County tax map as Tax Map Number 059-4 ((06)) 0010(the "Property") must be in accordance with the following conditions if, and only if, Rezoning/Final Development Plan applications RZ/FDP 2024-MA-00012 (this "Rezoning") are granted. Upon approval, these Proffers will supersede any and all previously approved proffers and development conditions and subsequent amendments, as they apply to the Property.

GENERAL

1. Conceptual/ Final Development Plan. Any development of the Property must be in substantial conformance with the Conceptual Development Plan (“CDP”) and Final Development Plan (“FDP”) entitled “7620 Little River Turnpike”, prepared by RCFields and Associates dated June 24, 2025 and revised through April 14, 2026.

2. Elements of CDP. Notwithstanding the fact that the CDP and FDP are presented on the same plan, the elements that are components of the CDP are limited to the perimeter’s general points of access, the general location of the buildings, the proposed uses, the maximum number of dwelling units, dwelling type, amount, general location and character of urban parkland, minimum amount of open space, the maximum building heights, build-to lines, the grid of streets, and general character and quality of streetscape, and only a future amendment to such elements will require a subsequent Conceptual Development Plan Amendment ("CDPA") and/or Proffered Condition Amendment ("PCA").

3. Minor Modifications. Minor modifications to the CDP/FDP may be permitted when necessitated by final site design or engineering, pursuant to Article 8 of the Zoning Ordinance.

4. Future Applications. Any portion of the Property may be the subject of a Conceptual Development Plan Amendment ("CDPA"), Final Development Plan Amendment (“FDPA”), Proffered Condition Amendment ("PCA"), Rezoning ("RZ"), Special Exception ("SE"), Special Exception Amendment (“SEA”), Special Permit ("SP"), Variance or other zoning action without the joinder and/or consent of the owner(s) of the other land area(s), provided that such application complies with Section 8100.2 of the Zoning Ordinance and Section 15.2-2302 of the Code of Virginia, as applicable. Previously approved proffered conditions or development conditions applicable to a particular portion of the Property that are not the subject of such an application will remain in full force and effect.

5. Retaining Walls. The Applicant reserves the right to install additional retaining walls under three feet in height and to modify existing retaining walls on the Application Property, subject to the approval

of LDS, without the need for a PCA or CDPA/FDPA if determined necessary at the time of site plan, so long as those existing retaining walls do not become taller in height.

6. Maximum Unit Count. The maximum number of units must not exceed the 39 multifamily residential units as stated on the CDP/FDP zoning tabulations.

7. Architecture. At the time of site plan, it will be demonstrated to Land Development Services (LDS) and the Community Revitalization Section (CRS) of DPD that the architectural design of the proposed buildings must be in substantial conformance with the bulk, mass, proportion and type and quality of materials shown on the CDP/FDP. The primary building material of all the building facades, exclusive of trim, will include primarily high quality materials such as MCM or cementitious cladding, metal, slate, or other similar materials. The maximum permitted building height is 85.92 feet for 7620 Little River Turnpike, as depicted on the CDP/FDP. Final design of building architecture, landscape design, and public spaces may be permitted, so long as in substantial conformance with the CDP/FDP as described above. Prior to the issuance of the building permit, it will be demonstrated to the satisfaction of Land Development Services (LDS) that the final architectural design is in substantial conformance with the general type, quality and proportion of materials depicted in building perspectives shown on the CDP/FDP.

8. Universal Design. If the residential units are to be offered for sale, the below Universal Design commitments apply.

    A. At the time of initial purchase of the units, where construction has not yet started, the Applicant will make available upon request to each purchaser the following Universal Design options at no additional cost:
        i. Blocking for reinforcement of grab bars in accordance with the Fair Housing Accessibility Guidelines.
        ii. Front entrance doors that are a minimum of 36 inches wide.
        iii. Light switches and thermostats a maximum of 48 inches high, as measured from the floor to the bottom of the fixture.
        iv. Lever door handles and faucets instead of knobs.
        v. Electrical outlets a minimum of 18 inches high, as measured from the floor to the bottom of the fixture.
    B. At the time of initial purchase of the units, where construction has not yet started, the Applicant must make available upon request to each purchaser additional Universal Design options at the purchaser's sole cost. These additional options may include, but are not limited to:
        i. A shower with a maximum curb of 2 inches high.
        ii. Clear knee space of 27 inches under the kitchen sink.
        iii. Grab bars in the bathrooms that are ADA compliant.
        iv. Strobe lights as smoke alarms for hearing-impaired residents.

OPEN SPACE, PARKS, AND ACTIVE RECREATION FACILITIES

9. Amenity Areas. The amenity areas will include elements consistent with the type and quality depicted on the CDP/FDP, which will include but are not limited to one or more of the following features:
    A. The Experience Plaza's water feature, pergola with benches, raised planters with seat walls, a seasonal kiosk, outdoor tables, a proposed specimen planting or sculpture, and landscaping.

The private rooftop amenity space could include a trellis, metal art, seating area, and other amenities reflected on the CDP/FDP. These recreation elements may be revised at Site Plan subject to LDS approval. If such elements in substantial conformance with the CPD/FDP are not permitted by the existing utility easements, a PCA application will be required to offer alternative locations on the site.

10. Publicly Accessible Parks. Parks, trails, and open space shown as publicly accessible on the CDP/FDP for the Property must be located within a public access easement in a form approved by the County Attorney, and recorded among the land records of Fairfax County at the time of record plat recordation, and will be subject to the review and approval of the Fairfax County Park Authority. Such public access easements must provide for perpetual private maintenance of the publicly accessible outdoor recreation facilities. The applicant reserves the right to set reasonable rules, regulations, and hours of operation for use of all outdoor recreation areas. Park spaces that are open to the public will be open for periods of time consistent with traditional County parks and subject to usual and customary rules and regulations. Signage directing the public to publicly accessible parks will be provided and will state that such areas are open to the public.

    Publicly accessible open space will be provided in the areas identified delineated and identified as Urban Park on the CDP/FDP and as described below. The Applicant reserves the right to modify the programming of these spaces as long as the quality of use and the quantity of amenities remains as shown on CDP/FDP Sheets 4A, 11, and A003, subject to review and approval by FCPA at the time of site plan review.

    A. Experience Plaza Urban Park. This park will be approximately 9,546 square feet. The Experience Plaza Urban Park is intended to be a gathering place for residents of the property, and the nearby community and will include passive recreation areas that may be programmed for various neighborhood events. The park will include a central water feature, a pergola with benches, raised planters with seat walls and incorporated seating, a seasonal kiosk, outdoor tables and chairs, a flexible use lawn, a specimen planting or sculpture, paths, pedestrian lighting, specialty pavers, and landscaping (trees, shrubs, perennials, and grasses).

11. Private Active Recreation Facilities. Pursuant to the Zoning Ordinance regarding developed recreational facilities, the Applicant must provide the recreational facilities to serve the Property as shown on the CDP/FDP. At the time of site plan review, the Applicant must demonstrate that the value of any proposed recreational amenities are equivalent to a minimum of $2,150 per non-ADU residential unit. In the event it is demonstrated that the proposed facilities do not have sufficient value, prior to the first RUP, the Applicant must contribute funds in the amount needed to achieve the overall proffered amount of $2,150 per non-ADU residential unit to the Fairfax County Park Authority ("FCPA") for off-site recreational facilities and/or athletic field improvements intended to serve the future residents within the Mason District.

TRANSPORTATION

12. Parking Adjustment. A Parking Adjustment may be requested per Section 6100.6 of the Zoning Ordinance without the need for a PCA/CDPA/FDPA.

13. Little River Turnpike Shared Use Path. Prior to the issuance of the first RUP on the Property, the Applicant will construct the shared use path along the access road, as shown on the CDP/FDP. The Applicant will be responsible for maintenance of the shared use path. A public access easement will be provided as demonstrated in Proffer 14.

14. Public Access Easements. At the time of record plat recordation, the Applicant must cause to be recorded among the land records a public access easement running to the benefit of Fairfax County, in a form acceptable to the County Attorney, over all the private streets, sidewalks, and open space as shown on the CDP/FDP. Such facilities must be maintained by the property owner. This public access will be subject to reasonable rules and regulations provided by the property owner. Such public access also includes emergency vehicle access, in a form acceptable to the County Attorney.

15. Bicycle Parking. The Applicant will provide both short term and long term bicycle parking within the parks spaces and the residential building, in accordance with Fairfax County Bicycle Parking Guidelines, and Zoning Ordinance section 6102. The final location, quantity, and type of bicycle racks will be determined in consultation with the Fairfax County Department of Transportation Bicycle Coordinator or his/her designee prior to site plan approval.

16. Construction Access. The staging and parking of construction vehicles must occur on the Property, including personal vehicles utilized by construction workers. The hours of outdoor construction must be posted in English and in Spanish. The Applicant must provide the Mason District Supervisor's office with a point of contact for construction related issues. The Applicant must provide an initial response to construction related issues within 24 hours of receiving notice.

17. Crosswalks and ADA Curb Ramps. Along the public streets, prior to the issuance of the first RUP on the Property, the Applicant will construct crosswalks as shown on the CDP/FDP, in accordance with VDOT standards, and subject to VDOT review and approval. Crosswalks will include ADA-compliant curb ramps.

    On the Property, prior to the issuance of the first RUP on the Property, the Applicant will construct crosswalks as shown on the CDP/FDP. Crosswalks will include ADA-compliant curb ramps.

ENVIRONMENTAL

18. Landscape Plan. The CDP/FDP includes a conceptual landscape plan for the Application Property and detail sheets illustrating the plantings and other features to be provided. As part of each site plan submission, the Applicant must submit to Forest Conservation Division (FCON) of LDS for review and approval a detailed landscape plan (the "Landscape Plan), which must be consistent with the quality and quantity of plantings and materials shown on the CDP/FDP. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings may be permitted, at site plan, to avoid conflicts with utilities, sight distance, and other site engineering considerations in consultation with the Department of Planning and Department ("DPD"), and as approved by FCON. All landscaping within a public access easement must be installed prior to the issuance of the first RUP on the Application Property, or if within any of the publicly accessible parks, as specified in proffer #10 "Publicly Accessible Parks" above, or as determined by FCON for this specific project.

A. Tree Space Requirements. For trees counting towards tree cover credit, tree planting spaces proposed in the streetscape and other areas restricted by barriers to root growth must provide a planter open surface area at least 6 x 6 feet. Where minimum planting areas cannot be met and planting spaces at least 8 feet wide cannot be provided, rooting zone width a minimum of 8 feet must be provided beneath paved surfaces using structural cell technology or other solutions acceptable to FCON that provide uncompacted soil within the planting space, with planting sites meeting the following specifications:

i. A minimum of 6 feet open surface width and 36 square feet open surface area.

ii. Rooting area beneath paved surfaces a minimum of 8 feet wide, taking into consideration sloped sides as may be needed to support adjacent compacted soils for roadways and pedestrian walkways. Planting space depth must be 4 feet within four feet of the tree on all sides. Soil depth in areas beyond four feet may be shallower or narrower as long as specified minimum soil volumes are met. Paved surfaces over the specified rooting area must not be dependent upon compacted soil for structural support.

iii. Soil volume for Category III or IV trees (as indicated in Table 12.14 of the Public Facilities Manual) shall be a minimum of 700 cubic feet per tree for single trees. For two trees planted in a contiguous planting area, a total soil volume of at least 1200 cubic feet must be provided. For three trees or more planted in a contiguous area, the soil volume must equal at least 500 cubic feet per tree. A contiguous area must be defined as any area with a soil depth of 3-4 feet, within which lateral root growth is unrestricted.

iv. Soil in planting sites must be as specified in planting notes to be included in site plans reviewed and approved by FCON.

v. The Applicant must contact FCON (703-324-1720) at least 3 business days prior to installation of trees and provide an opportunity for FCON staff to verify conformance with these requirements.

19. Soil Remediation. Soil in all planting areas and under adjacent walkways must be the subject of remedial action to restore planting areas to satisfy the cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan, with attention to deep soil aeration, the addition of organic matter throughout the soil profile to at least 18-24 inches, and the addition of organic matter on top of the soil. Planting areas not used for walking or outdoor activities should be densely planted with native perennials to increase their habitat values and to avoid foot traffic and its attendant re-compaction of the amended soils. The Applicant will provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review by FCON.

20. Native Landscaping. Landscaping must be generally consistent with the quality, quantity and the locations shown on the development plans and must be non-invasive, predominantly native species

and include a plant selection that includes species that will reduce the need for supplemental watering and the use of chemical fertilizers, herbicides and pesticides. All landscaping provided must be native to the mid-Atlantic region to the extent available and feasible, and must be non-invasive (meaning the Applicant must not use any plant species identified in the 2014, or latest version, of the Virginia Invasive Plant Species List published by the Virginia Department of Conservation and Recreation). The Applicant reserves the right, in consultation with and approval by FCON to modify the exact species to be used, such as when plant materials are not available or have been deemed by FCON to no longer be appropriate.

21. Invasive Plant Species Management. At the time of site plan submission the Applicant will provide a management narrative for review and approval by FCON specifying the common and scientific name of invasive species proposed for management, the target area along the limits of clearing and within any tree preservation areas located inside of the clearing limits for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring , duration of the management program, and potential replanting along the limits of clearing as may be needed. The Applicant must monitor the managed areas for a period of five (5) years upon substantial completion of the development.

22. Salt Management. Salt should only be applied during freezing inclement weather only to paved surfaces where and when needed for safety. When no longer needed, excess or leftover salt must be removed for reuse or disposed properly. Residual salt must not be swept or shoveled into planted landscape areas, wet ponds, or bioretention ponds. When not in use, salt should be stored in a covered area to protect it from precipitation.

23. Limits of Clearing and Grading. The Applicant must conform to the limits of clearing and grading generally as shown on the CDP/FDP, as may be modified by final engineering and the tree preservation walk-through. Allowances must be made for encroachments specified in the proffers and for the installation of utilities and/or trails. Utilities and/or trails in areas protected by the limits of clearing and grading must be located in the least disruptive manner necessary as determined by LDS in consultation with the FCON, LDS.

24. Demolition. The demolition of all existing structures and site features within or adjacent to tree preservation areas must be accomplished in the least disruptive manner practical as reviewed and approved by FCON. All tree protection fencing must be in place and verified by a County representative prior to commencement of demolition activities.

25. Lighting. All on-site and outdoor lighting will not exceed that permitted under the Outdoor Lighting Standards of Section 5109 of the Zoning Ordinance, as may be amended, and will be energy efficient to the extent feasible. All light fixtures will be LED and fully cut off to minimize spillover light. Lighting will be provided as calculated and depicted on the CDP/FDP.

26. Electric Vehicle (EV) Charging. Concurrent with the first site plan submission, the applicant must designate at least 2% of the parking spaces to be equipped with universal, Level 2 electric vehicle charging stations, which must be fully wired and functional at time of RUP/nonRUP issuance.

27. Bird-friendly Design. In an effort to reduce bird injury and death due to inflight collisions with buildings, the Applicant will design each Building to (i) avoid use of mirrored or highly-reflective glass, (ii) use fritting, frosting, or other patterns on large, uninterrupted expanses of exposed glass located

above the ground floor, and (iii) use downward-directed lighting on building exteriors. Specific bird-friendly designs will be noted on building plans for each Building for which such measures are proposed, as applicable. Additional bird-friendly design elements may be included such as the use of color, texture, opacity, louvers, screens, or ultraviolet materials on the exterior of windows that are visible to birds, curbing of excessive or unnecessary night-time illumination of commercial buildings, recessed balconies and roof setbacks, and breaking up of glass swaths. Upon the issuance of a building permit for the Building, the provisions of this Proffer will be deemed satisfied as to such Building.

28. Noise Attenuation. The Applicant must incorporate construction measures consistent with those found in the Phoenix Noise and Vibration Transportation Noise Impact Analysis dated February 09, 2026 [Report No. 260209] to ensure that interior noise in dwelling units will not exceed DNL 45 dBA, and outdoor recreation areas will not exceed DNL 65 dBA. If mitigation measures are required, then site and building plans for each building/unit that is subject to noise mitigation must depict the final noise contours as determined by the noise study; mitigation measures that will be incorporated must be included on site/building plans.

    A. Refined Acoustical Analysis. A refined acoustical analysis, to include a Building Shell and Barrier analysis, will be submitted concurrent with the building permit submission to LDS for review and approval, and distributed to the Development Review Branch (DRB) of the Department of Planning and Development (DPD) for review and approval. Mitigation measures appropriate to reduce indoor noise for residential units to no more than DNL 45 dBA, consistent with the sound attenuation recommendations in the study, must be incorporated into the development and shown on the building plans.

    B. Notifications. The Applicant will notify potential tenants or purchasers of individual residential units with balconies, either in their leases or sales contracts, as applicable, if exterior noise levels may exceed DNL 65 dBA. Rooftop decks will not be constructed in areas where the noise level is projected to exceed DNL 65 dBA unless notification is provided to prospective and future residents.

29. Stormwater. The Applicant must implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property in accordance with the Fairfax County Public Facilities Manual, Stormwater Ordinance, and Virginia Department of Environmental Quality (DEQ), as approved by LDS. This includes installing an onsite Level 2 Bioretention Facility, as well as installing permeable pavers in the parking area. Both will be maintained by the property owner. Stormwater management facilities/Best Management Practices ("BMPs") must be provided as depicted on the CDP/FDP. The Applicant reserves the right to pursue additional or alternative stormwater management measures provided the same are in substantial conformance with the CDP/FDP. However, these alternative measures must not include the purchase of off-site nutrient credit. At the time of site plan the Applicant must demonstrate adequate outfall in accordance with applicable County ordinances. All BMPs must be provided onsite.

30. Debris Collection. To prevent waste and debris from entering local waterways and stormwater management facilities, the Applicant will complete daily waste and debris collection throughout the Application Property; will locate dumpsters and trash compacters in a manner to minimize the potential for trash to flow into stormwater inlets and will regularly monitor dumpsters and/or trash compactors to ensure they are properly maintained.

31. Rooftop Paint. To reduce the "heat island" effect, the Applicant shall apply a reflective paint or other finish material to the rooftop of the multifamily building.

32. Green Building Practices. The Applicant will implement the following green building practices in the design, construction, and operation of the development of the Property:

    A. **Design Team Green Building Accreditation.** The design team shall include professionals with green building accreditation to facilitate the Project's integration of energy conservation and efficiency, water conservation, and other environmentally responsible building practices into the Project's design and construction.
    B. **Construction Waste Management.** A construction waste management program shall be implemented that emphasizes the recycling, reuse, or diversion of construction and demolition materials to the maximum extent reasonably practicable.
    C. **Water Conservation**. The Project shall incorporate water-efficient plumbing fixtures, irrigation systems (if any), and other water conservation measures designed to reduce potable water consumption while maintaining operational functionality and complying with applicable building and plumbing codes.
    D. **Energy Efficiency**. The Applicant shall incorporate both passive and active energy efficiency measures into the building and site design. Passive measures include energy efficient building materials and colors, and plantings. Active measures include energy-efficient building systems, including lighting, mechanical equipment, controls, building envelope components, and other design features intended to reduce overall energy consumption and improve building performance. LED lighting or comparable high-efficiency lighting technology shall be utilized for substantially all permanent building lighting, where appropriate.
    E. **Indoor Environmental Quality**. Low-emitting adhesives, sealants, paints, coatings, flooring materials, and other interior finish materials shall be utilized, where reasonably available and appropriate, to promote healthy indoor air quality for occupants.
    F. **Sustainable Materials.** The Applicant shall utilize, where reasonably practicable, to durable, recycled-content, regionally sourced, rapidly renewable, or otherwise environmentally preferable building materials and products.
    G. **Electric Vehicle Infrastructure.** Electric vehicle charging infrastructure and/or EV-capable parking spaces shall be provided as described in the Electric Vehicle (EV) Charging proffer above.
    H. **Site Sustainability.** The final site design shall incorporate sustainable site practices, which will include:
        i. As described in the Native Landscaping proffer above, plantings shall be non-invasive, predominantly native species and include a plant selection that includes species that will reduce the need for supplemental watering and the use of chemical fertilizers, herbicides and pesticides.
        ii. As described in the Soil Remediation proffer above, all planting areas and adjacent walkways shall have their soils remediated in order increase plant survivability, and to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and pesticides.
        iii. As described in the Invasive Plant Species Management proffer above, invasive plant species shall be carefully managed to limit their negative effects on the environment.
        iv. As described in the Stormwater proffer above, stormwater management techniques shall be implemented to control the quantity and quality of stormwater

runoff from the Property. This includes installing a Level 2 Bioretention facility, as well as reducing impervious surface within the site by installing permeable pavement within the parking area.

v. As described in the Rooftop Pain proffer above, in order to reduce the “heat island” effect, the Applicant shall apply a reflective paint or other finish material to the rooftop of the multifamily building.

vi. As described in the Salt Management proffer above, salt use shall be carefully limited and managed to limit negative effects on the environment.

I. **Building Performance.** The Applicant shall design and construct the Project with the objective of achieving a high level of environmental performance through an integrated approach to energy

J. **Documentation.** Upon request by the County, the Applicant shall provide documentation demonstrating compliance with the commitments contained in this proffer.

CONTRIBUTIONS

33. Recreation Contribution. Prior to the issuance of the first RUP, the Applicant must contribute a lump sum of $893 per resident estimated to be generated by the proposed development to the Fairfax County Park Authority for use at off-site recreational facilities intended to serve the future residents of the Mason District, as determined by the Fairfax County Park Authority in consultation with the Mason District Supervisor.

34. Escalation in Contribution Amounts. All monetary contributions required by these proffers (except School-related proffer), must escalate on a yearly basis from the base year of 2025, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3. 3.

WORKFORCE DWELLING UNITS

35. Affordable Dwelling Units. If required by the provisions of Section 5101 of the Zoning Ordinance, Affordable Dwelling Units ("ADUs") will be provided pursuant to said Ordinance and the Administrative Regulations Concerning the Sale and Rental of Affordable Dwelling Units, as amended, unless modified by the ADU Advisory Board, and to the satisfaction of the Department of Housing and Community Development

36. Workforce Dwelling Units (“WDUs”).). In addition to any ADUs that may be required, the Applicant must also provide for-sale and/or rental WDUs in accordance with the Guidelines for Provision of Workforce Dwelling Units, Appendix 1 in the Housing Element of the Comprehensive Plan’s Policy Plan and the Area Plans, as amended, as well as the Board’s Workforce Dwelling Unit Administrative Policy Guidelines, adopted March 18, 2025, and to the satisfaction of the Department of Housing and Community Development. The total number of WDUs will result in not less than eight percent (8%) of the total rental housing units and twelve percent (12%) of the total for-sale housing units constructed.

A. Income Tiers. The distribution of affordability will depend on the tenure of the units developed as provided below:
    i. Rental Income Tiers. If developed as rental units, the Applicant will provide the total number of WDUs to be provided on the Property pursuant to this proffer as follows: (i) twenty-five percent (25%) to persons/households making sixty (60%) of the Washington Metropolitan region's Area Median Income ("AMI"), (ii) twenty-five percent (25%) of the WDUs to persons/households making seventy percent (70%) of the regional AMI, and (iii) fifty percent (50%) of the WDUs to persons/households making eighty percent (80%) of the regional AMI.
    ii. For-sale Income Tiers. If developed as for-sale units, the Applicant will provide the total number of WDUs to be provided on the Property pursuant to this proffer as follows: (i) thirty-three percent (33%) to persons/households making seventy (70%) of the Washington Metropolitan region's Area Median Income ("AMI"), (ii) thirty-three percent (33%) of the WDUs to persons/households making eighty percent (80%) of the regional AMI, and (iii) thirty-three percent (33%) of the WDUs to persons/households making hundred percent (100%) of the regional AMI.

B. Parking. If parking spaces are guaranteed to be made available for lease to individual market rate dwelling units, at least one (1) parking space shall be made available for lease by each ADU and/or WDU.

C. Alternative Administration. The Applicant reserves the right to enter into a separate binding written agreement with the Department of Housing and Community Development as to the terms and conditions of the administration of the WDUs following approval of this Rezoning. Such an agreement will be on terms mutually acceptable to both the Applicant and Fairfax County and may occur after the approval of this Rezoning. Neither the Board of Supervisors nor Fairfax County will be obligated to execute such an agreement. If such an agreement is executed by all applicable parties, then the WDUs will be administered solely in accordance with such an agreement and the provisions of this Proffer as it applies to WDUs will become null and void.

SIGNAGE

37. Signage. Signage for the Property will be provided in accordance with the requirements of the Zoning Ordinance or pursuant to a Special Exception approved by the Board of Supervisors in accordance with the Zoning Ordinance. The Applicant will install signage as depicted on the CDP/FDP. The Applicant will install signage noting the public accessibility of specific open spaces and trails on the Property, in accordance with Article 7 of the Zoning Ordinance.

OTHER

38. Advanced Density Credit. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.

39. Zoning Administrator Consideration. Notwithstanding the foregoing, upon demonstration that despite diligent efforts or due to factors beyond the Applicant's control proffered improvements such as, but not limited to, transportation, publicly accessible park areas, off site easements, have been

delayed (due to, but not limited to, an inability to secure necessary permission for utility relocations, or any necessary easements and/or site plan approval approvals from non-County parties such as VDOT, MWAA, etc.) beyond the timeframes specified, the Zoning Administrator may agree to a later date for completion of these proffered improvement(s).

40. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and their successors and assigns. Each reference to "Applicant" in this proffer statement must include within its meaning and must be binding upon Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

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

SIGNATURES TO FOLLOW ON NEXT PAGE