

## **CAPSTONE COLLEGIATE COMMUNITIES, LLC**

### **Narrative and Summary of Commitments October 29, 2018**

This Narrative and Summary of Commitments are included as part of the Master Development Plan prepared by Christopher Consultants dated October 29, 2018, consisting of fourteen (14) sheets (the "MDP"), and should be read in conjunction with the MDP as if fully set forth therein. The contents of this Narrative and Summary of Commitments address the requirements set forth in Section 3.8.2.C.1 of the City of Fairfax Zoning Ordinance, as amended by City Council on March 27, 2018.

Capstone Collegiate Communities, LLC (the "Applicant") is the contract purchaser of approximately 6.15 acres located in the City of Fairfax. The property is identified as tax parcel 57-2-20-006A (the "Subject Property") and is located in the northeast quadrant of University Drive and Democracy Lane. Currently zoned to the CR Commercial Retail District, the Subject Property is developed with low-rise office buildings and associated surface parking. The aging office buildings, constructed in approximately 1978, are approximately 50% vacant. Given the age of the office buildings and condition of the current office market, the Subject Property's use as commercial office is no longer viable. The Applicant is proposing to rezone the Subject Property to the Planned Development Residential (PD-R) and Old Town Fairfax Transition Overlay (TO) Districts to permit the redevelopment of the Subject Property with a multifamily residential community that will be marketed to graduate and undergraduate university students.

#### **APPLICANT OVERVIEW**

The Applicant specializes in the development, construction, and management of high-quality off-campus student housing in proximity to major colleges and universities across the country. Formed in January 2012 as part of the restructuring of Capstone Development, which had over 23 years of student housing experience, the Applicant is a market leader in the student housing industry. At the time of restructuring, the Applicant had a portfolio of 131 student housing communities in 33 states throughout the country. The Applicant's communities are professionally managed by a staff that maintains a 24/7 presence on-site. Through its years of experience in the student housing industry, the Applicant has developed a business model and management practices that create quality, successful, and secure communities.

While its communities are privately owned and managed, the Applicant works closely with the proximate university and the local jurisdiction. The proposed development in the City would be marketed to graduate and undergraduate students of George Mason University ("GMU"), located approximately one mile south of the Subject Property. As GMU continues to grow, so does the need for additional off-campus student housing. The Applicant's proposal meets the growing need for student housing by providing GMU students with a secure, professionally managed housing option that is proximate to campus. The proposal will benefit the City in the form of commercial tax revenue, the generation of additional activity in the City's business district, and the addition of residential use in downtown Fairfax. The Applicant will not seek tax-exempt

status for the proposed development, and the Subject Property will remain privately-owned following construction.

## PROPOSED DEVELOPMENT

The Applicant's proposed development is a purpose built student housing community that will be designed to accommodate and marketed to undergraduate and graduate university students. As detailed on the submitted MDP, the Applicant's proposal consists of two (2) connected multifamily residential buildings that will vary in height between four (4) and five (5) stories. Building height shall be limited to four (4) stories along University Drive and along a majority of the shared property line with the adjacent office building to the north to provide a transition to the proximate townhouses in Olde Fairfax Mews and residential uses to the north. Building height shall be limited to five (5) stories on all other areas of the Subject Property, with the highest point of the building located on the eastern portion of the Subject Property to minimize impacts on proximate single family attached residential communities. A total of up to 275 dwelling units are proposed, comprised of a mix of studios, one bedroom, two bedroom, three bedroom and four bedroom units. As noted on Sheet 4A of the MDP, double occupancy bedrooms may be considered for some of the one bedroom and two bedroom units, provided that the maximum number of residents in the building does not exceed 825. Each unit will include one bathroom per bedroom, a common living area with complete kitchen facilities, and a washer/dryer. All units will be fully furnished by the Applicant. In accordance with its established business model, the Applicant will enter into a separate lease agreement by bedroom with each individual resident. All leases shall be a minimum of twelve (12) months, inclusive of an approximately two (2) week period at the end of the lease term in which the unit must be vacant to allow the Applicant to perform necessary maintenance in anticipation of the subsequent tenant. Rent shall be payable in twelve (12) monthly installments. In accordance with Zoning Ordinance requirements, no more than four (4) unrelated individuals will be permitted to occupy a single unit. Based on the anticipated mix of units, the proposed community will house up to a maximum of 825 residents.

The Applicant has designed the proposed community to ensure that it is compatible with the surrounding area, transitions appropriately to existing and planned residential uses, and facilitates future development in this area of the City by initiating framework for a future street grid.

The proposed development is characterized by exceptional site design that activates the currently underutilized parcel with a high quality, vibrant residential community. The proposed buildings are primarily oriented to University Drive and Democracy Lane, with a portion of the western building oriented to Layton Hall Drive. This orientation creates an activated streetscape along the property's frontages that is characterized by landscaping, courtyards, pocket parks and sidewalks that will enhance the pedestrian experience and provide connectivity to downtown Fairfax. The proposed buildings are designed with traditional features that will be compatible with downtown Fairfax. Building materials may include, but are not limited to, brick, asphalt shingle and standing seam roofs, lap siding and other quality materials. The building is stepped along University Drive, and the façade is broken up through the use of articulation, a variety of building materials, and insets, thereby reducing the size and scale of the proposed building. A combination of flat and pitched roofs will be provided, creating additional articulation and visual interest in the

façade. This portion of the building has been designed to a maximum height of four (4) stories to establish a transition to the existing townhomes across University Drive. A twenty (20) foot setback is proposed between the building and the property line along University Drive, with an additional landscape strip and ten foot (10') sidewalk within the right of way. This setback will further enhance the buffer between the building and these townhomes, however, the building will engage the street level through the provision of stoops and walkways connecting the building with University Drive. The building's façade resembles townhouses in appearance, which will be compatible with the proximate community. The ground floor of the proposed building at the intersection of University Drive and Democracy Lane is activated with the placement of amenity space and a leasing/management office in this area.

The Applicant is committed to minimizing impacts on adjacent and nearby residential communities by providing an adequate number of parking spaces on-site to accommodate the future residents and their visitors. Pursuant to Section 3.7.3.E of the Zoning Ordinance, a minimum of 1.5 parking spaces per dwelling unit are required in the TO District. A total of 737 parking spaces are proposed, including 680 garage spaces and 57 on-street and surface spaces, which is in excess of Zoning Ordinance requirements. The number of garage spaces may be increased pending final design, provided that the garage includes a minimum of 680 spaces. The above grade parking structure will be accessible from Democracy Lane and Layton Hall Drive. The on-street parking, including a dedicated loading space, will be provided along Democracy Lane and the future connector street. An existing surface parking lot on the eastern portion of the Subject Property will remain. The parking garage will be wrapped on all four sides by residential units, thereby shielding the garage from the view of adjacent properties. The building will include an indoor secured storage area for a minimum of seventy five (75) resident bicycles. The approximate location of the secured storage area is identified on the MDP. Outdoor bicycle parking spaces will be provided for guests, and the Applicant has identified a potential location for a future Bikeshare station proximate to the intersection of University Drive and Democracy Lane.

The proposed community will include a variety of high quality amenities, such as game rooms, fitness facilities, common gathering spaces and group study rooms. An outdoor courtyard area is located in the interior of the buildings to mitigate any noise impacts on nearby residential communities. This courtyard will include features such as a pool, an outdoor kitchen area and outdoor seating. Two additional courtyards will be provided on the eastern portion of the Subject Property. The proposed lot coverage is within the maximum 90% permitted within the TO District. Approximately 28% of the total site area will be provided as open space in the form of courtyards, pocket parks, a landscaped perimeter, and plaza amenities.

The proposed development will include on-site underground stormwater management and best management practices (BMP) facilities that will comply with all applicable stormwater regulations.

## COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map for the City of Fairfax indicates that the Subject Property is planned for Business – Commercial use. Although not currently located within the boundaries of the TO District, the Comprehensive Plan (the “Plan”) recommends that the Subject Property be

included in the TO District, either upon application from the property owner in conjunction with a rezoning or as part of a larger City-initiated rezoning. The proposed multifamily development will require a Plan amendment consistent with the recommendation to include the Subject Property in the TO District. The Applicant proposes that the Plan be amended to re-classify the Subject Property as Residential – High, concurrent with a rezoning to the PD-R and TO Districts.

As evidenced by the high vacancy rates, the existing office use on the Subject Property is no longer viable, and the Business – Commercial Future Land Use designation is no longer appropriate. Due to the age of the buildings and existing office market conditions, the current owner has had difficulty leasing the buildings to prospective office tenants. Although the Application Property could be redeveloped with other commercial uses consistent with its existing Business – Commercial designation, such redevelopment would require a significant investment. Given the City’s recent difficulties retaining commercial tenants, it is unlikely that a large scale commercial redevelopment project in this location would be economically viable. The difficulties in retaining commercial tenants is in part due to the lack of residential density in the City’s downtown. The Applicant’s proposal for additional residential density will promote future commercial development of adjacent and nearby properties. In conjunction with this application, the Applicant conducted a fiscal and economic impact analysis to quantify the economic benefits this proposal will have on the City. The analysis demonstrated that the proposed development will generate a positive fiscal impact of up to \$749,000.00 on an annual basis. The analysis also demonstrates that future residents of the proposed development could spend up to \$2.9 million per year on restaurants, retail establishments and other businesses within the City. The proposed Plan amendment will allow the Applicant to redevelop the Application Property with a vibrant residential community that will attract residents to the City’s downtown core, incentivize future economic development and result in a clear fiscal and economic benefit to the City and its business community.

The Applicant’s proposal is consistent with the Plan’s overall strategies and objectives, which support an amendment. Strategy LU2.1 in the Land Use section of the Plan provides that proposed development in the City should be evaluated based on its consistency with the guidance provided in the Plan as a whole. Objective LU-4 of the Land Use section sets forth strategies intended to promote Old Town Fairfax as the City’s historic core and downtown cultural activity center. These strategies include: 1) emphasizing the pedestrian access and usability in old town; 2) encouraging a mix of uses, including residential, in Old Town Fairfax; and 3) attracting cultural activities and facilities to Old Town, particularly during the evening hours, by supporting and encouraging restaurants and retail establishments. Objective HOU-5 of the Housing section of the Plan provides strategies for managing the existing and anticipated housing needs generated by GMU. Strategy HOU-5.1 encourages collaboration on finding solutions to GMU’s housing problems including potential shortages, overcrowding, excessive parking demand, traffic and noise in residential neighborhoods.

The proposed development fulfills the stated Plan objectives listed above. The development will create a pedestrian friendly streetscape with ten foot (10’) sidewalks along University Drive and Layton Hall Drive that will provide convenient, walkable access to downtown Fairfax. The proposed multifamily residential use will contribute to the diversity of uses in the City while attracting several hundred year-round residents to the downtown. These

residents will shop, eat and work at many of the existing local businesses, and their presence will incentivize future economic development and investment. In addition to bolstering the economic health of the City's downtown, the proposed student housing community will address each of the problems identified by HOU-5.1. The proposed development will provide housing for GMU students in a professionally managed and secure setting, thereby alleviating impacts on residential communities. The Applicant is committed to working with the City and GMU to provide a reliable transportation option for the residents to commute to GMU, and to ensure that the parking needs of the residents are met on-site. Finally, the proposed Residential – High classification is consistent with the planning the Layton Hall multifamily community to the north. Because the proposed development advances the foregoing objectives as stated in the Plan, and given that the proposed Residential – High classification is compatible with adjacent properties, the requested Plan amendment is warranted.

## REZONING APPLICATION

In addition to a Plan amendment, the Applicant is requesting a concurrent rezoning of the Subject Property from the CR District to the PD-R and TO Districts. The following information is provided in accordance with Sections 3.8.2.C.6.4.9, and 6.6.8 of the Zoning Ordinance in support of the proposed rezoning:

As discussed above, the Applicant's proposal is consistent with the stated objectives of the Plan. The proposal advances one of the City's primary objectives by introducing residential density to downtown Fairfax that will support existing businesses, and incentivize future investment and redevelopment in the City's economic core. The requested PD-R zoning classification will provide greater benefits to the City than a development consistent with the current CR District. The stated purpose of the CR District is to provide areas for office and general business and retail establishments, and uses accessory or complementary thereto. Given the existing condition of the office market in Fairfax and throughout the region, and considering the current vacancy rates within the existing office buildings, the continued use of the Subject Property for office purposes is no longer viable. In addition, redevelopment of the Subject Property with retail uses that would compete with existing businesses in downtown Fairfax is not a desirable outcome.

The requested rezoning to the PD-R District will allow the Applicant to redevelop the Subject Property with a multifamily residential community that will create a critical mass of residential activity near the City's economic core, and result in numerous benefits to the City as a whole. In addition to attracting residents that will support existing and future commercial uses downtown, the proposed development will provide a street connection between Layton Hall Drive and Democracy Lane that will improve traffic circulation and initiate a future street grid in this area. Pedestrian connectivity will be enhanced through the provision of ten foot (10') wide sidewalks along University Drive and Layton Hall Drive, and six foot (6') wide sidewalks along Democracy Lane and the connector street. While unable to bear the sole cost of undergrounding the existing overhead utilities along University Drive, the Applicant is committed to partnering with the City by contributing twenty five percent (25%) of the estimated costs of the undergrounding, up to a maximum contribution of \$328,750.00. Further, the proposed community will meet the growing demand for student housing within the City by providing a quality,

affordable housing option that is proximate to GMU. The secure and professionally managed community will offer students a quality alternative to renting homes in established single family neighborhoods as has become common practice in the City. The proposed student housing community will increase the vibrancy of the downtown area and strengthen the relationship between the City and GMU.

The Subject Property is highly suitable for a multifamily residential community given its location in a highly walkable area of the City and proximity to shops, restaurants and community amenities. The Applicant will utilize the PD-R and TO District regulations to create a development that better engages the street level, thereby activating the frontages along University Drive, Democracy Lane and Layton Hall Drive. The existing infrastructure is adequate to support the proposed use. The proposed street connection between Layton Hall Drive and Democracy Lane will improve traffic circulation and initiate a future street grid in this area. The Applicant is committed to mitigating transportation impacts by partnering with the City's CUE bus service to ensure the community is adequately served by existing or future bus routes and, if necessary, providing a private shuttle service to and from GMU. Given that the community will be marketed to graduate and undergraduate university students, the Applicant does not anticipate any impacts on public schools. While the future residents will have access to the City's parks, ample on-site recreational amenities are proposed including fitness facilities, an interior courtyard with a pool, and game rooms. The existing public utility infrastructure is adequate to serve the proposed development.

The Applicant has designed the proposed buildings to ensure compatibility with the adjacent and surrounding community. The height of the buildings along University Drive will be limited to four stories in height, and the building will be stepped to reduce the apparent height and scale. The architectural treatment of this façade will include a variety of building materials, articulation, and a combination of flat and pitched roofs. The building will be stepped along University Drive to reduce building height. The same palette of materials will be utilized on each of the facades, thereby establishing a unified appearance for the entire development. The development will be constructed in a single phase. Given that the Subject Property is currently developed and consists of predominantly impervious surface, there are no ecologically sensitive areas that will be disturbed in conjunction with the proposed development. The proposed stormwater management facilities will result in an improvement to the existing condition.

Finally, the proposed multifamily community is unique given that it will be designed and marketed to university students. Inherent in the Applicant's business model is the need to ensure this community is affordable to its target demographic. To that end, rents will be priced to accommodate university students.

For these reasons, the proposed rezoning to the PD-R and TO Districts is justified.

In conjunction with the proposed rezoning application, the Applicant requests approval of the following special exception applications and modifications:

1. Pursuant to Section 6.17.1(B)(3) of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the forty eight (48) foot maximum building height in the TO District.

In accordance with the approval criteria for special exceptions set forth in Section 6.17.7 of the Zoning Ordinance, the requested modification of maximum building height will not materially or adversely impact adjacent land uses or the physical character of uses in the immediate vicinity of the Subject Property. As shown on the MDP, the height of the proposed development ranges from four (4) to five (5) stories, which is consistent with the maximum number of stories permitted under the current CR zoning classification. As discussed above, the tallest point of the building is centrally located on the Subject Property and further from existing residential communities thereby avoiding any adverse impacts. The Applicant has designed the portion of the building located along University Drive at a height of four (4) stories to maintain an appropriate transition to the proximate townhouses to the west. The existing grade along this portion of the property will be lowered and the building will be stepped to reduce the apparent height of the building and to create a more desirable streetscape. Similarly, the height of the building along a majority of the northern property line adjacent to the existing medical office building is limited to four (4) stories in consideration of residential uses to the north. The additional building height will allow the Applicant to screen the proposed parking garage, thereby mitigating impacts on nearby residential uses and not adversely impacting the character of the area.

2. Pursuant to Section 3.8.2.E of the Zoning Ordinance, a modification is hereby requested of the twenty percent (20%) tree canopy requirement set forth in Section 4.5.6(A) of the Zoning Ordinance.

The Applicant's proposal results in the provision of a 13.6% tree canopy. A variety of deciduous trees are proposed, and all trees will be 3.5 inch caliper at the time of planting. While less than the 20% requirement in the PD-R District, the tree canopy exceeds the amount required in various other zoning districts including the Residential Multifamily District (10%), the Planned Development Mixed Use, Commercial and Industrial Districts (10%), and the Subject Property's existing Commercial Retail District (10%). The Applicant's ability to provide additional tree coverage is limited by the mandatory build-to line requirement of the TO District, the need to provide adequate parking facilities on-site to meet the demands of future residents thereby minimizing impacts on nearby residential streets, and the presence of underground utilities and required stormwater management facilities. The proposed development will include the addition of street trees, landscaping and streetscape improvements along the University Drive, Democracy Lane and Layton Hall Drive frontages of the Subject Property, creating a more welcoming gateway into downtown Fairfax and resulting in an overall enhanced experience for pedestrians and bicyclists. In addition, the proposed layout is

consistent with the permissible lot coverage permitted in the TO District. Finally, as discussed in the submitted Summary of Commitments, the Applicant will provide the balance of the required canopy in the form of off-site trees to be planted in the vicinity of the Subject Property on City-owned property or within public rights-of-way, or an equivalent monetary contribution.

3. Pursuant to Section 3.8.2.E of the Zoning Ordinance, a modification is hereby requested of the street tree requirements set forth in Section 4.5.6.B of the Zoning Ordinance. Specifically, the Applicant is requesting a modification of the requirement to plant street trees within fifteen (15) feet from the back of curb along University Drive and Layton Hall Drive, a modification of the requirement to provide a ten foot (10') landscape strip along Democracy Lane and the future connector street, and a modification of the tree spacing requirements for a portion of the Democracy Lane frontage.

The proposed street trees along University Drive are located approximately 19.5 feet from the back of curb, and are closer to the street than the existing trees along this frontage. The proposed location will maximize the survivability and long term health of these trees, by avoiding conflicts with the existing overhead utilities, the proposed 10 foot sidewalk and providing sufficient room for root growth. The requested modification will not result in a streetscape that is visually different than a streetscape with the 15 foot planting requirement, and the proposed streetscape continues to meet the intent of Section 4.5.6.B. Regarding the modification of the ten foot planting requirement, due to site constraints, it is not possible to provide the full ten feet along portions of Democracy Lane due to the presence of on-street parallel spaces and the proposed loading space. The Applicant has maximized plantings along Democracy Lane to the extent possible and provided street trees along this entire frontage to meet the intent of the landscape strip requirement. Finally, the Applicant is requesting a modification of the fifty (50) foot street tree spacing requirement for two locations along Democracy Lane. This modification is requested for the areas adjacent to the proposed loading space and the parking garage entrance. This requirement has been met for the remainder of the Subject Property's street frontage.

4. Pursuant to Section 3.8.2.E of the Zoning Ordinance, a modification is hereby requested of the twenty percent (20%) open space requirement set forth in Section 3.8.2.G of the Zoning Ordinance.

Pursuant to Section 3.8.7.B of the Zoning Ordinance, the minimum required width for recreational open space is fifty (50) feet. As indicated on Sheet 7 of the MDP, a total of 11.6% of the site is provided as open space that meets this dimensional requirement. However, additional open space is provided that does not necessarily meet the technical requirements of the Zoning Ordinance. Sheet 7 of the MDP demonstrates that this effective open space will amount to 28.2% of the site area. This additional open space includes the public realm space along the University Drive frontage, a triangular shaped open space area along Democracy Lane, and

additional open space along the private streets. In addition, the proposed development will include recreational areas within the building, including fitness facilities, game rooms and common gathering areas. Accordingly, because future residents of the community will have access to ample interior and exterior open space, the requested modification is appropriate.

5. Pursuant to Section 3.8.2.E of the Zoning Ordinance, a modification is hereby requested of the requirement that sixty percent (60%) of the provided open space be contiguous.

As demonstrated on Sheet 7 of the MDP, fifty five percent (55%) of the provided open space that meets the dimensional requirements of Section 3.8.2.G is contiguous. This space includes the courtyards on the eastern portion of the Subject Property that are connected by the sidewalk and landscape strip along the proposed private street. Given that the proposed open space is dispersed throughout the Subject Property, and connected by a network of landscaped sidewalks, a modification of the 60% contiguity requirement is appropriate.

6. Pursuant to Section 3.8.2.E of the Zoning Ordinance, a modification is hereby requested of the requirement to provide a landscape island in the existing surface parking lot on the eastern portion of the Subject Property.

Due to a reciprocal parking agreement with the owner of the adjacent office property to the east, the Applicant is required to maintain the existing surface parking spaces on the eastern portion of the Subject Property. These spaces are located outside the proposed limits of disturbance, and the Applicant is not proposing to expand this existing parking area. In lieu of providing the required landscape island, the Applicant has enhanced the streetscape on the eastern portion of the Subject Property by adding additional trees along the private street and Layton Hall Drive.

The Applicant's proposal presents an opportunity to redevelop an aging office development with a vibrant use that will activate an underutilized parcel, attract much needed residential density to the City's downtown, and generate additional activity in an area that is critical to the City's continued economic success. The proposed community will provide downtown Fairfax with an infusion of residents who will live, eat, shop and work downtown. The proposal also represents a unique opportunity to strengthen the relationship between the City and the GMU student body. The Applicant is committed to working with the City and the surrounding community to ensure that the proposed development fits into the fabric of Fairfax.

[SUMMARY OF COMMITMENTS BEGINS ON FOLLOWING PAGE]

## Summary of Commitments

The following commitments are included as part of the Master Development Plan prepared by Christopher Consultants dated October 29, 2018, consisting of fourteen (14) sheets (the “MDP”), and should be read in conjunction with the MDP as if fully set forth therein.

1. Purpose Built Student Housing –The proposed development shall include features including, but not limited to, group study rooms, fitness facilities, common indoor and outdoor gathering areas, and other amenities designed and intended to attract university student residents. The Applicant shall employ student leasing assistants to aid in the recruitment of future residents and day-to-day operations of the community. While the Applicant and the proposed community will have no direct affiliation with GMU, the Applicant shall engage in direct marketing efforts to GMU students. Unlike conventional multifamily rental developments which are leased on a per unit basis, the Applicant shall enter into separate lease agreements on a per-bedroom basis with each individual resident. Each unit shall be fully furnished by the Applicant. All leases shall be a minimum of twelve (12) months, inclusive of an approximately two (2) week period at the end of the lease term in which the unit must be vacant to allow the Applicant to perform necessary maintenance in anticipation of the subsequent tenant. Rent shall be payable in twelve (12) monthly installments. Residents may sublease their bedrooms, subject to compliance with all terms and conditions of the existing lease and subject to prior approval by the Applicant. All subtenants shall comply with all applicable lease conditions, rules and other regulations established by the Applicant and property management. Double occupancy bedrooms may be permitted for some of the one-bedroom and two-bedroom units, however, the total number of residents in the community shall be limited to 825. In accordance with Zoning Ordinance requirements, no individual unit shall be occupied by more than four (4) unrelated individuals. Notwithstanding the foregoing commitments, the proposed development is subject to and the Applicant shall comply with all applicable state and federal fair housing laws.
2. Security and Operations – The proposed development shall be professionally managed by a staff that maintains a 24/7 presence on site. Staff shall include full-time and/or part-time professional management personnel, maintenance personnel, student leasing assistants who reside on site, and a minimum of two (2) off-duty police officers or other emergency services personnel who serve as resident “courtesy managers” within the community. The Applicant shall provide on-site housing to such courtesy managers rent-free in exchange for their security services and presence within the community. Courtesy managers at their convenience in consideration of their work schedules shall conduct periodic walk-throughs of the common areas and hallways, provide assistance to residents upon request, and receive and respond to noise complaints. Staff will be present in an on-site management office during business hours. During nights, weekends and non-business hours, the Applicant shall maintain a phone service to allow residents of the community and of the surrounding neighborhoods to call and report noise-related and other complaints on a 24-hour basis. Upon receipt of a complaint, the Applicant shall dispatch appropriate staff to investigate and respond to the complaint, as necessary. The Applicant shall provide the phone number to the

City of Fairfax, and to designated representatives of nearby communities including the Olde Fairfax Mews Community Council, the Madison Mews Homeowners Association and any other community association, civic association or individual(s) upon request.

3. Move-In Procedures – All resident move-ins shall occur in accordance with a Maintenance of Traffic Plan (“MOT Plan”) prepared by the Applicant and submitted to the City prior to commencement of each academic year. The MOT Plan for each academic year shall specify a date and timeframe for move-in day. In the event that the building is not fully leased by the specified move-in day, additional residents may move in to the building after the specified date on an as-needed basis. If the number of residents moving into the building on any given date exceeds ten (10) residents, the Applicant shall notify the City in advance, The Applicant shall develop written move-in procedures that shall be distributed to future residents in advance of the designated move-in date each year. Residents shall be provided with a designated time frame, not to exceed two (2) hours in duration, in which to move into their units. Move-in times shall be staggered throughout the day to minimize impacts on the surrounding street network. All unloading activities on move-in day shall occur within the above-grade parking garage. Staff shall be present throughout move-in day to direct vehicles, maintain the efficient flow of traffic to and from the Subject Property, and assist residents with move-in procedures. The Applicant shall also notify City police in advance of the move-in day each year and hire off-duty personnel as needed to direct traffic. Any use and/or closure of public streets or rights-of-way for move-in activities shall be presented to appropriate City officials for approval. Each year, the Applicant shall provide notice of the specified move-in day and a copy of the MOT Plan to surrounding property owners and designated representatives of the Olde Fairfax Mews Community Council, the Madison Mews Homeowners Association, and any other community association, civic association or individual(s) upon request.
4. Parking – The Applicant may, in its sole discretion, establish rules, regulations and procedures for the structured parking garage shown on the MDP. The parking garage shall be wrapped by residential units to screen it from proximate residential uses. The parking garage shall include a minimum of 680 parking spaces, which shall be available to future residents of the proposed community. The Applicant reserves the right to provide additional parking spaces within the garage, pending final design, provided that a minimum of 680 garage spaces are provided..The twenty five (25) on-street parallel parking spaces on Democracy Lane and the future private street shown on the MDP shall be time restricted as determined by the City in coordination with the Applicant. The Applicant shall be responsible for posting appropriate signs informing drivers of time restrictions. Two (2) parking spaces on the Subject Property shall be designated for use by a car sharing service to be determined by the Applicant. The specific location of the car sharing service spaces shall be determined by the Applicant at the time of site plan.
5. Transportation –
  - a. Bus and Shuttle Service -The Applicant shall encourage CUE bus ridership by its residents, and shall coordinate with the City’s CUE bus service to reroute existing CUE bus routes to establish bus stops in proximity to the Subject Property on Layton

Hall Drive and University Drive. If the CUE bus is rerouted, the Applicant shall prior to the issuance of the first Residential Use Permit provide the City with a contribution in the amount of thirty thousand dollars (\$30,000.00) to be utilized for the installation of two (2) standard City bus shelters at the new bus stops. The Applicant shall coordinate with the City to determine appropriate locations for the bus shelters. If the CUE bus is not rerouted, the Applicant shall be relieved of its obligation to provide this contribution. In either event, the existing or future CUE bus service in the vicinity of the Subject Property may be supplemented with a private shuttle only upon a demonstration that the CUE bus service is inadequate to meet the transportation needs of its residents to and from GMU. The Applicant shall demonstrate the need for a supplemental shuttle service in the form of resident surveys or other data accumulated in conjunction with the Transportation Demand Management strategies set forth below in Paragraph 6. The Applicant shall wait a minimum of two (2) years before establishing a private shuttle service. Nothing in this Paragraph 5.a. shall preclude the Applicant from coordinating with or encouraging its residents to utilize the GMU shuttle service.

- b. Bikeshare – The Applicant shall provide an easement along the University Drive frontage of the Subject Property to accommodate the future installation of a bikeshare station by others. The future bikeshare station may be located in the area identified on Sheet 4 of the MDP, or such other location as determined by the Applicant in coordination with the City, with consideration to operational needs of the bikeshare station, minimizing impacts on street trees, landscaping and sidewalk access, and maintaining pedestrian connections between the sidewalk and building entrances. In addition, the Applicant shall prior to the issuance of a Residential Use Permit provide the City with a contribution in the amount of twenty thousand dollars (\$20,000.00) to be utilized for the installation of a bikeshare station at the determined location on University Drive. The future bikeshare station is to be constructed by others. In the first year that the City’s bikeshare program is in operation, the Applicant shall encourage its use by providing each resident with a one-time voucher, gift card, or bikeshare membership in the amount of twenty dollars (\$20.00) per resident. In the event that bikeshare is not implemented by the City, the Applicant shall be relieved of its obligations in this Paragraph 5.b.
6. Transportation Demand Management – In an effort to reduce the number of vehicle trips generated by the proposed development, the Applicant shall implement Transportation Demand Management (“TDM”) strategies. These strategies may include, but shall not be limited to, the following:
    - 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 to stops in the vicinity of the Subject Property.
  - d. The designation of car sharing parking spaces on the Subject 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.
7. Deliveries – The Applicant shall inform the United States Postal Service and other package delivery services to utilize the loading space on Democracy Lane as shown on the MDP. Management staff shall be present to accept deliveries.
  8. Trash Collection – Trash and recycling receptacles shall be located within the building and not visible from the public right of way.
  9. Construction Management Plan – Prior to site plan approval, the Applicant shall submit a construction management plan for approval by the City Manager, or designee, to be implemented during construction, and to ensure safe and efficient pedestrian and vehicle circulation at all times on the Subject Property and on the public roadways adjoining the Subject Property. The construction management plan shall provide information regarding the following:
    - a) Hours of construction;
    - b) Anticipated construction entrances, vehicle routes and staging areas;
    - c) Traffic control measures;
    - d) Location of parking areas for construction employees; and
    - e) Fencing details, including specifications for an opaque screening fence around the construction site.

Prior to commencement of construction, the Applicant shall identify a community liaison that shall be available throughout the duration of construction on the Subject Property. The name and telephone number of the community liaison shall be provided to the Department of Community Development & Planning, the Olde Fairfax Mews Community Council, the Madison Mews Homeowners Association, and to any other community or civic association upon request.

10. Contribution Toward Undergrounding of Utilities – The Applicant shall not be responsible for the undergrounding of existing overhead utilities along the University Drive frontage of the Subject Property. However, prior to the issuance of the first Residential Use Permit the Applicant shall make a monetary contribution equal to twenty five percent (25%) of the estimated costs of undergrounding as determined in coordination with the City, up to a maximum of \$328,750.00. If the balance of the funding is not immediately available to perform the undergrounding at the time of construction, the Applicant shall place its contribution into escrow with the City for future use in undergrounding these specific utilities. The work associated with the undergrounding shall be performed by others.
11. Public Access Easements – Prior to site plan approval, the Applicant shall record a public access easement for the benefit of the City of Fairfax in a form acceptable to the City Attorney over private streets and sidewalks shown on the MDP not otherwise located within public right-of-way.
12. Off-Site Tree Plantings - The Applicant shall provide trees to be planted in the general vicinity of the Subject Property with an aggregate canopy coverage equal to approximately 6.4% of the site area of the Subject Property. These trees shall meet the definition of Tree set forth in the Zoning Ordinance, and shall be planted on City-owned property and/or within public rights-of-way, subject to compliance with all applicable regulations. The specific number, species and location of the trees shall be determined by the Applicant in coordination with the City to the satisfaction of the Director of Community Development and Planning. The off-site trees shall be provided by the Applicant prior to the issuance of the final Residential Use Permit for the Subject Property. In the event a location for all or a portion of the off-site trees has not been identified by the City at the time of application for a Residential Use Permit through no fault of the Applicant, the Applicant may make a monetary contribution equal to the estimated cost of the trees and the issuance of said Residential Use Permit shall not be unreasonably withheld. The Applicant shall not be responsible for ongoing maintenance of any off-site trees planted in accordance with this Paragraph.
13. Lighting- Street lights shall be provided at a minimum spacing of sixty (60) feet along University Drive, Layton Hall Drive, Democracy Lane and the future private street identified on the MDP. Street lights shall be provided in accordance with the requirements of the Public Facilities Manual. The location of street lights shall be provided at the time of site plan.