

**PROFFERS**  
**Rezoning #RZ 1998-PR-28**  
**October 6, 1999**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 48-4-((1))-49 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the R-2 District is granted. In the event said application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are:

GENERAL

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development will be in substantial conformance with the Generalized Development Plan/Special Exception Amendment (GDP/SEA) Plat prepared by Walter

L. Phillips, Incorporated, dated January 6, 1998 and revised through October 6, 1999.

2. In order to achieve a maximum interior noise level of 45 dBA Ldn, Building 3 shall be constructed with the following acoustical attributes:

- (a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39;
- (b) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20% of any façade, they shall have the same laboratory STC rating as walls;
- (c) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

The Applicant may pursue other methods of noise mitigation if it can be demonstrated through an independent noise study to Department of Public Works and Environmental Services (DPW&ES) that these methods will reduce interior noise levels to 45 decibels.

#### ENVIRONMENTAL

3. The Applicant shall provide stormwater management for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved by DPW&ES.

4. The Applicant shall install the alternate sanitary sewer layout as shown on the development plan only if no other

alternatives are available to convey waste water from the cellar level of Building #10 to an existing sanitary sewer line, as determined by DPW&ES. In the event that the Applicant does not install this alternate sanitary sewer layout, the limits of clearing and grading in this area will be shifted to the west to the extent feasible consistent with other development shown on the GDP/SEA Plat, as determined by DPW&ES.

#### LANDSCAPING

5. Landscaping shall be provided in substantial conformance with the depth, quality and quantity of plantings identified in the landscaping concepts shown on the GDP/SEA Plat. The specific type, number and placement of plantings and landscaping shall be determined at the time of site plan, subject to review and approval of a landscape plan by the Urban Forester, DPW&ES. If, during the process of site plan review, any landscaping shown on the GDP/SEA Plat is removed in order to locate utility lines, trails, etc., as determined necessary by the Director, DPW&ES, then an area of additional landscaping of equivalent value, as determined by Urban Forester, DPW&ES, may be substituted at an alternate location on the site.

6. At the time of Site Plan review, the Applicant shall develop a supplemental planting program to provide additional understory and infill plantings in the general area of the driveway to the site and the open space generally located between the Elderly Assisted Living facility and the service drive. This proffer shall be fulfilled by providing replacement trees for those

trees lost as a result of the proposed construction on a tree for tree basis. Deciduous trees required pursuant to this proffer shall have a minimum caliper of 3" and evergreen trees shall have a minimum planted height of six (6) feet, provided that a smaller size may be installed if determined necessary and appropriate by the Urban Forester. Species of trees required shall be determined by the Applicant and the Urban Forester in accordance with standard and accepted horticultural practices.

7. The Applicant shall conform substantially to the limits of clearing and grading shown on the GDP/SEA Plat, subject to minor modification for sound engineering and construction practices and installation of utilities lines, if necessary, as determined by DPW&ES. Limits of clearing and grading shall be clearly marked with stakes on the site prior to the commencement of land disturbing activity.

8. For the purposes of maximizing the preservation of trees, the Applicant shall retain a certified landscape architect to consult on the preparation of a tree preservation/landscape plan at the time of site plan review. The tree preservation/landscape plan shall be submitted as part of the final site plan which shall be reviewed and approved by the Urban Forestry Branch. This plan shall provide for the preservation of specific quality trees or stands of trees located on the property without precluding the development shown on the GDP/SEA Plat. The Urban Forestry Branch and/or DPW&ES may require modifications to the landscape plan to the extent said modifications do not alter the configuration of

development shown on the GDP/SEA Plat. Prior to its submission to the Urban Forestry Branch, a copy of the tree preservation/landscape plan shall be reviewed with a representative of the Mantua Citizens Association.

9. Subject to the approval of the Urban Forestry Branch and/or DPW&ES, the Applicant shall perform the following measures relating to tree preservation on the property:

(a) Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the applicant shall walk the limits of clearing with a certified arborist, an Urban Forestry Branch representative, and the landscape architect to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.

(b) The trees designated to be saved shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction.

Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. Individual trees or groups of trees to be preserved shall be root pruned at the limits of clearing and grading prior to clearing. In addition, trees designated for preservation shall receive a liquid fertilization and inoculation with a root bio-stimulant and mycorrhizae fungi. The landscape architect contracted by the

Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.

(c) The Applicant shall conform to the limits of clearing and grading as shown on the GDP/SEA Plat subject to the installation of necessary utilities. If it is necessary to locate the utility lines outside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas outside the limits of clearing and grading that must be disturbed.

(d) In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed buildings on the application property may be modified at the time of final engineering to enhance specific tree preservation.

(e) If as a result of final engineering, the areas designated as tree save areas on the GDP/SEA Plat are modified or cannot be preserved, equivalent tree save areas or tree replacement areas shall be provided as determined by Urban Forestry Branch and/or DPW&ES. Upon final engineering, in the event the Urban Forestry Branch determines that tree replacement areas are needed to fulfill the intent of the tree save areas designated on the GDP/SEA Plat, any such replacement area shall be designed to provide canopy coverage generally equivalent to the area shown to be saved on the GDP/SEA plat. Deciduous trees used in connection with this supplemental planting program shall have a minimum

caliper of three (3) inches at the time of planting.

PARKING

10. A minimum of 87 parking spaces shall be provided at all times. The Applicant shall not reconfigure the use of the approved structures so as to increase the number of parking spaces required.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

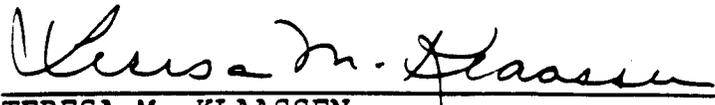
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TITLE OWNERS:

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PAUL J. KLAASSEN

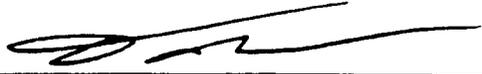
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TERESA M. KLAASSEN

LESSEE

SUNRISE ASSISTED LIVING  
LIMITED PARTNERSHIP

By: SUNRISE ASSISTED LIVING  
INVESTMENT, INC.,  
its general partner

By:   
Name: Thomas Newell, Esquire  
Its: Executive Vice President

SUBLESSEE/OPERATOR

SUNRISE ASSISTED LIVING FOUNDATION

By:   
Name: Lisa Turissini  
Its: Executive Vice President