

PROFFERS

SUNRISE DEVELOPMENT, INC.

RZ 2014-SP-015

June 8, 2015

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Sunrise Development, Inc., (hereinafter referred to as the "Applicant"), for itself, successors and assigns in RZ 2014-SP-015, filed for property identified as Tax Map 78-3 ((1)) 4 (hereinafter referred to as the "Application Property") hereby proffers that the development of the Application Property shall be in accordance with the following proffers, provided that the Board of Supervisors approves RZ 2014-SP-015 and SE 2014-SP-060. These proffers shall supersede and replace all previously approved proffers and conditions that may be applicable to the Application Property.

1. GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT

- A. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat ("GDP/SE Plat") consisting eighteen (18) sheets, prepared by VIKA Virginia, LLC dated July 18, 2014 and revised through April 23, 2015.
- B. Subject to the provisions of Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP/SE Plat may be permitted as determined by the Zoning Administrator.

2. USES

As shown on the GDP/SE Plat, the Application Property shall be developed with the following:

- A. A medical care facility comprised of a maximum of 53,993 square feet of gross floor area ("GFA"). The medical care facility may have up to 85 units and up to 105 residents. The Applicant reserves the right to provide cellar space in the medical care facility.
- B. The Silas Burke House and its two (2) outbuildings and windmill which shall be retained in perpetuity.
- C. The historic Burke Post Office structure.

3. TRANSPORTATION

- A. Prior to the issuance of a Non-Residential Use Permit (Non-RUP) for the medical care facility, the Applicant shall construct frontage improvements along Burke Lake Road within the dedicated right-of-way as shown on the GDP/SE Plat and in accordance with VDOT standards. Frontage improvements shall consist of an entrance, curb, gutter, landscape buffer, and a five (5) foot sidewalk.
- B. Prior to the issuance of a Non-RUP for the medical care facility, the Applicant shall extend the nose of the median within Burke Lake Road as shown on the GDP/SE Plat and in accordance with VDOT standards.
- C. Prior to the issuance of a Non-RUP for the medical care facility, the Applicant shall sign and stripe the driveway to indicate a one-way drive aisle adjacent to the entrance of the medical care facility, as shown on the GDP/SE Plat.
- D. Prior to the issuance of a Non-RUP for the medical care facility, the Applicant in consultation with FCDOT shall install bicycle racks within 50 feet of the medical care facility's main and employee entrances. The type, location, and number of bicycle racks shall be determined at that time. The Applicant shall provide proof of installation and location to FCDOT.

4. LANDSCAPING AND SCREENING

- A. The Applicant shall provide landscaping in substantial conformance with the GDP/SE Plat. The exact number and spacing of trees and other plant material shall be submitted at time of final site plan review and shall be subject to review and approval of the Urban Forest Management Division, Department of Public Works and Environmental Services (DPWES) to confirm that it is in substantial conformance with the GDP/SE Plat. Adjustments to the type and location of plantings may be permitted based on final engineering and design. The Applicant shall make best efforts to add landscaping between the Silas Burke House and medical care facility beyond what is shown on the GDP/SE Plat in consultation with the Heritage Resource staff in the Department of Planning and Zoning.
- B. Tree Preservation. The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist with experience in mitigating decline in trees resulting from the impacts of construction activities, and shall be subject to the review and approval of the Urban Forest Management Division (UFMD).

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved on and off-site trees, living or dead, with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), and located within the area to remain undisturbed and within 25 feet of the limits of clearing and grading and in the disturbed area within 10 feet of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP/SE Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509.

- C. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- D. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing shall consist of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees. Tree protection fence shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD.

E. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

1. Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
2. Root pruning shall take place prior to any clearing and grading, or demolition of structures.
3. Root pruning shall be conducted under the supervision of a certified arborist.
4. A UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Areas to be Left Undisturbed and Adherence to Limits of Clearing and Grading. The limits of clearing and grading shown on the GDP/SE Plat shall be strictly adhered to. The site plan shall clearly identify these areas as shown on the GDP/SE Plat.

As part of the site plan, the Applicant shall provide management practices for the protection of understory plant materials, leaf litter, and soil conditions found in areas to be left undisturbed, subject to the approval of the UFMD. The Applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The Applicant shall restore understory plant materials, leaf litter, and soil conditions to the satisfaction of UFMD if these are found to be damaged, removed or altered in manner not allowed in writing by the UFMD.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFMD in coordination with the Site Development and Inspections Division, DPWES. In addition, the Applicant shall develop and implement a replanting plan for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements.

Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, installation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFMD. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFMD.

- G. Control of Invasive Vegetation. The site plan shall provide for the management and treatment of harmful or invasive plants that may occur in the areas to be left undisturbed that are likely to pose human health problems, or are likely to disrupt or suppress native plants and plant communities. A narrative shall be provided with the site plan that identifies the species of plants to be controlled, methods of control including herbicides to be applied, and the time frame for application of materials and the duration of treatment. Any work impacting vegetation, leaf litter, or soil conditions not specifically addressed in the approved plan shall be subject to the review and written approval of UFMD. Plant species considered invasive under the Fairfax County Park Authority's Invasive Management Area program shall be removed.
- H. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and

detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD.

- I. Prior to site plan approval, the Applicant shall identify plant materials and quantities of such plant materials that will effectively screen the 12-foot wall located behind the maintenance structure. Such plantings shall be reviewed and approved by the UFMD.

5. DESIGN

- A. Design. The Applicant shall design the medical care facility in general conformance with the design and type, quality, and proportion of materials as shown on Sheets A1 and A2.
- B. Retaining Walls. Retaining walls on the Application Property shall be constructed of decorative concrete or masonry materials.
- C. Signage. Should the Applicant choose to install a sign, it shall be a monument-style sign that shall be compatible with the design of the assisted living building. One (1) freestanding sign shall be permitted. Such sign shall not exceed forty (40) square feet in sign area or five (5) feet in height. The sign shall not be located closer than ten (10) feet to any lot line. An internally illuminated sign shall not be permitted. The proposed design of the sign shall be reviewed for compatibility with the Silas Burke House, the medical care facility, and this proffer by the Director of the Zoning Evaluation Division in consultation with Heritage Resource staff in the Department of Planning and Zoning prior to the issuance of a sign permit. Should staff not contact the Applicant or review the proposed design within thirty (30) days of submission, no further review by staff shall be required. Should staff have comments on the proposed sign, the Applicant shall resubmit information for approval to staff. The staff shall have thirty (30) days from the Applicant's resubmission for review and approval. Such approval shall not be unreasonably withheld.
- D. Maintenance Building. The Applicant shall use similar building materials for both the medical care facility and maintenance building to create a unified design theme. The design of the maintenance building shall not imitate the existing outbuildings. Prior to building permit approval, the Applicant shall provide renderings of the proposed design and building materials of the maintenance structure for review and approval to the Director of the Zoning Evaluation Division in consultation with the Heritage Resource staff in the Department of Planning and Zoning. The renderings shall show the structure in context to the Silas Burke House and existing accessory buildings. The proposed design of the maintenance building shall be reviewed for compatibility with the Silas Burke House, assisted living facility, and this proffer by the Director of the Zoning

Evaluation Division in consultation with Heritage Resource staff in the Department of Planning and Zoning prior to the issuance of a building permit. Such review shall occur within thirty (30) days of submission to staff. Should staff not respond within thirty (30) days of submission, no further review by staff shall be required. Should staff have comments on the proposed maintenance building, the Applicant shall resubmit information for approval by staff. The staff shall have thirty (30) days from the Applicant's resubmission for review and approval. Such approval shall not be unreasonably withheld.

- E. Twelve Foot Wall. Prior to building permit approval, the Applicant shall provide renderings of the proposed design and building materials for the 12-foot wall located behind the maintenance structure to the Director of the Zoning Evaluation Division in consultation with the Heritage Resource staff in the Department of Planning and Zoning for review and approval. In order to provide contextual information, the materials submitted for review shall include information on the plantings reviewed and approved by the UFMD under Proffer 4I.; however, no further review of the plantings shall be conducted. Such review shall occur within thirty (30) days of submission to staff and approval shall not be unreasonably withheld. Should staff not contact the Applicant or review the proposed design within thirty (30) days of submission, no further review by staff shall be required. Should staff have comments on the proposed wall, the Applicant shall resubmit information for approval by staff. Staff shall have thirty (30) days from the Applicant's resubmission for review and approval. Such approval shall not be unreasonably withheld.
- F. Paving Materials. A combination of paving materials shall be provided for the parking areas and drive aisle parallel to Burke Lake Road so that black asphalt is not the sole paving material used. Paving materials for the drive aisle, parking areas, walkways, and patios shall be coordinated so that the colors and materials are compatible in order to present as natural a look as possible. The color from the stone foundation of the Silas Burke House or the hue of the weathered and exposed brick chimney at the west façade of the Silas Burke House may be appropriate and should be considered by the Applicant. Prior to site plan approval, the Applicant shall provide paving information to the Director of the Zoning Evaluation Division in consultation with Heritage Resource staff in the Department of Planning and Zoning for review and approval. Such review shall occur within thirty (30) days of submission. Should staff not contact the Applicant or review the proposed materials within thirty (30) days of submission, no further review by staff shall be required. Should staff have comments on the proposed paving materials, the Applicant shall resubmit information for approval by staff. Staff shall have thirty (30) days from the Applicant's resubmission for review and approval. Such approval shall not be unreasonably withheld.

- G. Lighting. Parking lot and walkway lighting shall be between eight (8) and fifteen (15) feet in height. The light fixtures shall be a dark color.

6. HISTORIC PRESERVATION AND HERITAGE RESOURCES

- A. Silas Burke House. The Applicant shall retain the existing Silas Burke House, its two (2) outbuildings, and the windmill located on the Application Property in perpetuity.

- (i) Prior to the approval of the site plan, the Applicant shall submit a report to the Director of the Zoning Evaluation Division that shall include the following:

- a. A feasibility study of the work that needs to be undertaken and how it is to be accomplished to preserve and reuse the house. This would include at a minimum:

- 1) An existing conditions assessment;
- 2) A plan for the intended programming and use of the Silas Burke House;
- 3) A summary of code requirements and regulations and evaluation of the technical and economic feasibility of the proposed work; and
- 4) Technical evaluation and summary of the work required to be completed in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties.

- (ii) The party(ies) engaged in the feasibility study, design, and undertaking of the renovation shall meet the Secretary of Interior's Professional Qualification Standards for Historic Architecture as published in 36 CFR Part 61.

- (iii) The feasibility findings and treatment plan shall be used to inform the historic and façade easement and open space easement stipulated in this proffer.

- (iv) A third party consultant shall conduct a walk-through with on an annual basis and provide a report to the Director of the Zoning Evaluation Division of the Department of Planning and Zoning within thirty (30) days of the walk-through being conducted. The qualifications of the third-party shall be provided to the Heritage Resources staff in the Department of Planning and Zoning prior to each walk-through being held. The items that require correction or alteration shall be addressed within three (3) months of submission of the report to the Zoning Administrator and shall be completed in accordance with the Secretary of the Interior's Standards for the

Treatment of Historic Properties. The Applicant shall provide evidence of compliance with this proffer to the Director of the Zoning Evaluation Division.

B. Easements. Prior to site plan approval for the Application Property, the Applicant shall record the following easements:

- (i) A historic and façade easement to preserve the interior and exterior character defining features of the Silas Burke House, accessory outbuildings, and windmill; and
- (ii) An open space easement to preserve the open space around the Silas Burke House and the outbuildings in their existing locations, protect the viewshed between Burke Lake Road and the Silas Burke House, and protect the cultural landscape and historic integrity of the house and accessory structures to the greatest extent possible, and insure that the site design and layout is limited to that shown on the GDP/SE Plat and described in these proffers.

The assessment of the work required to be undertaken and how it is to be accomplished as outlined in Proffers 6A shall be used in determining the scope of the easements. The Applicant shall use best efforts to increase the area of the easements from that shown on the GDP/SE Plat. Said easements shall be reviewed and approved by the DPZ Heritage Resource staff and the Fairfax County Attorney's Office prior to its recordation among the land records of Fairfax County. Prior to the drafting of the easements, the Applicant shall conduct a walk-through as described in Proffer 6A to determine which features of the Silas Burke House shall be preserved. Retention of the Silas Burke House and its surroundings shall be preserved in perpetuity in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties.

C. Historical Marker. Prior to issuance of a Non-RUP for the Application Property, the Applicant shall relocate the VDOT historical marker identified as #E 95 on the Application Property to ensure that it is visible from Burke Lake Road.

D. Construction Fence. Prior to land disturbance, the Applicant shall erect fencing around the Silas Burke House, the outbuildings, windmill, and the open space to be included in the easement area to ensure that the structures and open space are not disturbed during construction. Prior to installing the fencing, the Applicant shall submit the location and material to be used for review and approval by the Heritage Resource staff in the Department of Planning and Zoning. Such review shall occur within thirty (30) days of the Applicant's submission to staff. Should there be no response within thirty (30) days from the Heritage Resource staff, no further review by the Heritage Resource staff shall be required. Should the Heritage Resource

staff have comments on the proposed fencing and location, the Applicant shall resubmit information to the Heritage Resource staff. The Heritage Resource staff shall have thirty (30) days from the Applicant's resubmission for review and approval. Such approval shall not be unreasonably withheld.

- E. Community Access. The Applicant shall use the Silas Burke House as an amenity for the residents and guests of the medical care facility. The house shall be adaptively reused and the first floor of the house shall be open to the general public for events at a minimum on a quarterly basis. The Applicant shall work with community groups to include, but not be limited to, the Burke Historical Society, History Commission, and school groups to facilitate community meetings, lectures, and other events. The Applicant shall also make the house available for educational tours by professional organizations such as architectural groups that may not be necessarily limited to the first floor. Prior to the issuance of a Non-RUP for the medical care facility, the Applicant shall appoint an Event Coordinator that will coordinate use of the Silas Burke House.
- F. Off-Site Parking. Parking for events that are anticipated to have more than ten (10) attendees at the Silas Burke House shall be coordinated with the Event Coordinator and shall occur off-site. Parking shall be secured no later than one (1) month in advance of the scheduled event. The Applicant shall coordinate with other sites which may include, but not be limited to, Burke School and Burke United Methodist Church to utilize their respective parking lots for parking. The Applicant shall inform groups that no parking should occur in the surrounding neighborhoods. For events that are anticipated to have more than ten (10) attendees at the Silas Burke House, the medical care facility shuttle shall be utilized to provide transportation for attendees from off-site parking areas. The use of the shuttle shall be coordinated with the Event Coordinator.
- G. Adaptive Reuse. Prior to the issuance of a Non-RUP for the medical care facility, the Applicant shall renovate the second floor of the Silas Burke House to allow for residential or accessory office use. Within six (6) months of the first resident moving into the medical care facility, the Applicant shall advertise the space for residential occupancy to employees of the medical care facility that work on the Subject Property or shall allow the space to be used for accessory office use. In the event that the space is advertised for residential use and there is no interest in twelve (12) months among the employees that work on the Subject Property, the Applicant shall advertise the space for residential occupancy to any of its employees for an additional twelve (12) months. In the event that there is no interest among all of its employees, the Applicant shall be permitted to make the second floor available for occasional residential use by

employees, contractors, or guests of the residents of the medical care facility.

- H. Maintenance Staff. The Applicant shall employ maintenance staff that shall be responsible for routine maintenance of the medical care facility, the Silas Burke House, and Burke Post Office.
- I. Burke Post Office. Prior to the issuance of a Non-RUP for the medical care facility, the Applicant shall locate the Burke Post Office on the Application Property provided such building is made available to the Applicant. The Burke Post Office shall not be located within a required yard nor shall it interfere with sight distance requirements. The location of the Burke Post office shall be finalized at time of site plan approval and shall be determined based upon the proposed use and with input from Heritage Resources staff in the Department of Planning and Zoning. The Applicant shall maintain the Burke Post Office in perpetuity. Prior to the issuance of a Non-RUP, the Applicant shall further develop a treatment plan for the post office for the purpose of:
- (i) Determining how the building is to be used on the site (e.g., as an accessible building or a museum object); and
 - (ii) Finding a location for the post office on the Application Property that integrates it into the overall development taking into consideration its relationship to the surrounding built environment and setting as well as its proposed use.
- J. Archeological Study. Prior to any land disturbance on the Application Property, the Applicant shall conduct a Phase I archaeological study on the Application Property and provide the results of said study to the Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMP) for review and approval. The study shall be conducted by a qualified archaeological professional approved by CRMP. If the Phase I study concludes that an additional Phase II study of the Application Property is warranted, the Applicant shall complete said study and provide the results to CRMP. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with CRMP; however, that process shall not be a precondition of site plan approval but rather shall be carried out in conjunction with site construction.

At the completion of any cultural resource studies, the Applicant shall provide two (2) copies (one hard copy, one digital copy) of the archaeology report as well as field notes, photographs, and artifacts to the Park Authority's Resource Management Division within thirty (30) days of completion of the study.

7. RECREATION

Prior to the issuance of a Non-RUP for the medical care facility, the Applicant shall provide recreational amenities for the residents of the medical care facility which may include, but not be limited to, walking paths, a memory garden, and outdoor furniture.

8. GREEN BUILDING PRACTICES

A. Prior to final bond release, the Applicant shall provide green building practices including, but not limited to the following:

- (i) Inclusion of a LEED-accredited professional as a member of the design team. The LEED-accredited professional shall work with the design team to incorporate sustainable design elements and innovative technologies into the project. At time of site plan submission, the Applicant will provide documentation to the Environment and Development Review Branch (EDRB) of DPZ demonstrating compliance with the commitment to engage such a professional.
- (ii) The Applicant shall have a construction waste management plan that consists of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant shall provide a copy of the waste removal contract as proof of compliance to the EDRB of DPZ.
- (iii) The Applicant shall install ultralow-flow plumbing fixtures that have a maximum water usage as follows:
 - a. Water closet (gallons per flush, gpf) = 1.28
 - b. Urinal (gpf) = 0.5
 - c. Showerheads (gallons per minute, gpm) = 2.0 (when measured at a flower water pressure of 80 pounds per square inch)
 - d. Lavatory Faucets (gpm) = 1.5 (when measured at a flowing water pressure of 60 pounds per square inch.
 - e. Kitchen and Janitorial Sink Faucets (gpm) = 2.20

The Applicant shall provide proof of installation and the manufacturer's product data to the EDRB of DPZ.

- (iv) The Applicant shall use low-emitting materials for all adhesives, sealants, paints, and coatings. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
Carpet Adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/ anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide proof of installation and the manufacturer's product data to the EDRB of DPZ.

- (v) The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The Applicant shall provide a maximum lighting power allowance of 1.25 watts/square foot. The Applicant shall provide proof of installation and manufacturer's product data to the EDRB of DPZ.
- (vi) The Applicant shall install Energy Star appliances and equipment for refrigerators, dishwasher, water heaters, computers, monitors, televisions, vending machines, water coolers, and other appliances and office equipment where practical. The Applicant shall provide proof of installation and manufacturer's product data, including the Energy Star energy guide to the EDRB of DPZ.
- (vii) The Applicant shall provide an area for the collection and storage of glass, paper, metal, plastic, and cardboard generated by residents and employees. There shall be a dedicated area on the Subject Property for the storage of recycled materials. The Applicant shall provide proof of installation, installation locations, and a copy of the Applicant's hauling contract to the EDRB of DPZ.
- (viii) The proposed building shall not have any chlorofluorocarbon (CFC) based refrigerants in any of the building systems, or not use refrigerants. The Applicant shall provide manufacturer's specification sheets for any refrigerant installed in the building to the EDRB of DPZ.

- B. Prior to building plan approval for the Application Property, the Applicant shall execute a separate agreement and post a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES and defined in the Public Facilities Manual. The amount of the escrow shall be \$2.00 per square foot of gross floor area of the building. The green building escrow shall be in addition to and separate from other

bond requirements. This escrow shall be released once the following conditions have been met:

- (i) Prior to final construction bond release, the LEED-AP, who is also a professional engineer or licensed architect, shall submit a certification statement including supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building.
- (ii) Concurrence and acceptance of the certification statement by the EDRB of DPZ.

If the Chief of EDRB of DPZ does not concur or accept the certification statement described in proffer 8B(i) and a review of the documentation determines that the green building elements have not been implemented or included in the design and construction of the project, then the Chief of EDRB shall notify the Applicant's LEED-AP. The Applicant's LEED-AP and the Chief of EDRB shall meet to discuss the potential deficiencies and to develop appropriate resolutions, which may include substitute techniques or elements that achieve the same intended sustainability or energy conservation benefits. Thereafter, if the Applicant fails to take the necessary corrective actions and have the Applicant's LEED-AP submit a revised certification statement with supporting documentation within 90 days, then the entirety of the green building escrow for the property shall be released to Fairfax County and shall be posted to a fund within the County budget supporting implementation of county environmental initiatives. However, if the necessary corrective actions cannot be completed within 90 days, and the Applicant can provide documentation in support of this, then the time period may be extended as determined appropriate by the Zoning Administrator and no release of escrowed funds shall be made to either the Applicant or the county during this time period.

9. OPERATIONS

- A. A maximum of thirty (30) employees are permitted per shift and a maximum of 105 residents are permitted, but the maximum number of employees and residents at any one time shall be coordinated so that the Applicant complies with the parking requirements in Article 11 of the Zoning Ordinance.
- B. Trash and/or recycling collection shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday. No weekend pickups shall be allowed.
- C. Trash bins and trash shall not be located outside of the maintenance building.

- D. Food and linen delivery hours shall be restricted to 8:00 a.m. to 6:00 p.m., Monday through Saturday, unless unusual circumstances which may include, but not be limited to, emergencies, atypical weather, or traffic conditions require delivery outside of these days and times.

10. AFFORDABLE HOUSING

The Applicant shall maintain four percent (4%) of the units for residents who are eligible for the Virginia Department of Social Services' Auxiliary Grant Program. In the event that a resident initially resides in an assisted living unit and then becomes eligible for a memory care unit, the resident's eligibility for the Auxiliary Grant Program shall transfer to the memory care unit.

11. TIMING OF IMPROVEMENTS

Notwithstanding the foregoing, upon demonstration that, despite diligent efforts or due to factors beyond the Applicant's control, proffered commitments have been delayed beyond the timeframes specified herein, the Zoning Administrator may agree to a later date for completion of such commitments.

12. SUCCESSORS AND ASSIGNS

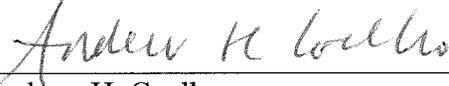
These proffers shall bind and inure to the benefit of the Applicant and its successors or assigns.

13. COUNTERPARTS

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

APPLICANT/CONTRACT PURCHASER OF
TAX MAP 78-3 ((1)) 4

SUNRISE DEVELOPMENT, INC.

A handwritten signature in cursive script that reads "Andrew H. Coelho". The signature is written in dark ink and is positioned above a horizontal line.

By: Andrew H. Coelho
Its: VP

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF TAX MAP 78-3 ((1)) 4

Suzanne Fowler Neal
By: Suzanne Fowler Neal

[SIGNATURES END]