

JUL 15 2016

Zoning Evaluation Division

PROFFERS
Artis Senior Living, LLC

RZ 2016-MV-011

June 24, 2016

Pursuant to Section 15.2-2303 (A) of the Code of Virginia (1950, as amended), Artis Senior Living, LLC, and the property owner, for themselves and their successors and/or assigns, hereby proffer that the development of the property identified as Fairfax County 2016 tax map reference 106-2 ((1)) 8 (the "Application Property") shall be in accordance with the following conditions if, and only if, the Board of Supervisors approves this rezoning application and related special exception application, SE 2016-MV-032.

1. GENERALIZED DEVELOPMENT PLAN –

- A. Development of the Application Property shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat entitled "Artis Senior Living of Lorton" consisting of seven (7) sheets prepared by Freeland Engineering, PC, dated February 10, 2016, as revised through May 16, 2016 (the "GDP").
- B. Pursuant to Paragraph 5 of Section 18-204 of the Fairfax County Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator.

2. ENVIRONMENT-

- A. Tree Inventory and Condition Analysis: The Applicant shall submit a Tree Inventory and Condition Analysis as part of the first and all subsequent plan submissions. The Tree Inventory and Condition Analysis shall be prepared by a Certified Arborist or Registered Consulting Arborist, and shall include elements of PFM (Public Facilities Manual) 12-0507 deemed appropriate to the project site as determined by Urban Forestry Management Division.
- B. Tree Preservation Plan: The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent plan submissions. The Tree Preservation Plan and Narrative shall be prepared by a Certified Arborist or Registered Consulting Arborist, and shall include elements of PFM 12-0509 deemed appropriate to the project site as determined by UFMD.
- C. Project Arborist/Pre-construction Meeting: Prior to the pre-construction meeting the Applicant shall have the approved limits of clearing and grading flagged with a continuous line of flagging. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist (Project Arborist) to attend the pre-construction meeting to review the limits of clearing and grading with an UFMD representative to determine where adjustments to the clearing limits can be made

to increase the area of the tree preservation and/or to increase the survivability of trees at the limits of clearing and grading, and such adjustments shall be implemented.

- D. Tree Protection Fencing: The Applicant shall provide appropriate tree protection devices, based on site conditions and proposed construction activities as reviewed and approved by UFMD. Tree protection fence shall consist of four-foot high welded wire attached to six-foot steel posts driven 18 inches into the ground and space no further than 10 feet apart; or super silt fence.
- E. Tree Preservation Measures: Tree preservation measures shall be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications shall be provided on the plan detailing how preservation measures shall be implemented. Tree preservation activities shall be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.
- F. Demolition: The demolition of all existing structures and site features within or adjacent to tree preservation areas shall be accomplished in the least disruptive manner practical as reviewed and approved by UFMD. All tree protection fencing shall be in place and verified by a County representative prior to commencement of demolition activities.
- G. Site Monitoring: The Applicant's Project Arborist shall be present on site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist shall visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports shall be submitted to UFMD and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports shall be described and detailed in the Tree Preservation Plan.
- H. Landscape Planting Pre-installation Meeting. Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer shall coordinate a pre-installation meeting on the site with the landscape contractor, UFMD staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan shall be reviewed and must be approved by UFMD staff prior to planting. The installation of plants not approved by UFMD may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release

- I. Landscape Planting Plan. As part of the first and all subsequent plan submissions, the Applicant shall include a landscape planting plan and specifications for review and approval by UFMD. The landscape planting plan and specifications shall incorporate sustainable landscape planting techniques designed to reduce maintenance requirements; and contribute to a cleaner and healthier environment with improved air quality stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation.
- J. Soil Remediation. Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, shall be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The applicant shall provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants.
- K. Tree Appraisal and Bond. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the appraisal value of all trees 12 inches in diameter or greater designated to be preserved in the Tree Inventory and Condition Analysis and located on the Property such that limits of clearing and grading intersect the critical root zone of the tree. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first and all subsequent submissions of the site plan. The appraised value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site Rating component shall be equal to at least 80%.

At the time of the respective subdivision/site plan approvals and prior to the pre-construction meeting, the Applicant shall post a bond or letter of credit payable to the County of Fairfax equal to 25% of the appraisal value of the trees for which a value has been determined in the Tree Appraisal (the "Bonded Trees"). Bonded Trees that die or are dying due to unauthorized construction activities, as determined by UFMD staff, shall be replaced. The replacement trees shall be of equivalent canopy area based on projected 10-yr. canopy area as specified in Public Facilities Manual Table 12.17 and approved by UFMD. For any Bonded Tree that is dead, dying or removed without approval, the Applicant shall also make a payment equal to the appraised value of the Bonded Tree to a fund established by the County for furtherance of tree preservation and planting objectives (the Tree Preservation and Planting Fund). At the time of approval of the final RUP/Non-RUP for the project, the Applicant shall be entitled to request a reduction in the letter of credit to an amount up to 20% of the total amounts originally committed. Any cash or funds remaining in the Tree Bond shall be

released at the time of the project's final bond-release upon approval in writing by UFMD, DPWES.

PUBLIC FACILITIES

3. Prior to site plan approval, the Applicant shall contribute \$10,000 to the Capital Project titled "Traffic Light Signals – FRD Proffers in Fund 300-C30070, Public Safety Construction" for use in the installation of preemptive signal devices on traffic signals within the Mount Vernon District as determined by the Fire and Rescue Department. The Applicant shall have no responsibility for the installation or maintenance of the devices.
4. A Phase I archaeological study shall be conducted at least 30 days prior to any land disturbing activities on the subject property for the areas of the property that are to undergo ground disturbing activities and previously were unsurveyed. If significant sites are found, a Phase II study shall be undertaken to determine eligibility for inclusion into the National Register of Historic Places. If sites are found eligible, avoidance or a Phase III data recovery shall be undertaken. The results of the Phase I study shall be provided to the Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMP) for review and approval. If CRMP has not responded in writing within thirty (30) days of submission, the Phase I archaeological study shall be deemed approved. The study shall be conducted by a qualified archaeological professional. No land disturbance activities shall be conducted until this study is submitted to CRMP.

OFF-SITE IMPROVEMENTS

5. The Applicant shall construct the six (6) foot wide sidewalk connection to the existing asphalt trail and off-site landscaping as shown on the GDP prior to issuance of the final RUP/Non-RUP for the project.

SERVICE DRIVE EASEMENT

6. A public service drive easement thirty (30) feet in width and adjacent temporary construction easements fifteen (15) feet in width, all in a form acceptable to the County Attorney, shall be provided on the subject property at the time of site plan. The service drive easement shall provide interparcel access between Parcels 106-2 ((1)) 7 and 9A as shown on the attached Proffer Exhibit A.

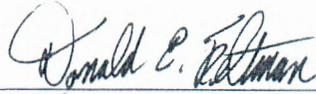
The service drive may be constructed by a private entity or the County no sooner than three (3) years following issuance of the final RUP/Non-RUP for the project.

[SIGNATURES ON THE FOLLOWING PAGE]

APPLICANT/CONTRACT PURCHASER

ARTIS SENIOR LIVING, LLC

By: Artis Holdings, LLC, its Manager



By: Donald E. Feltman

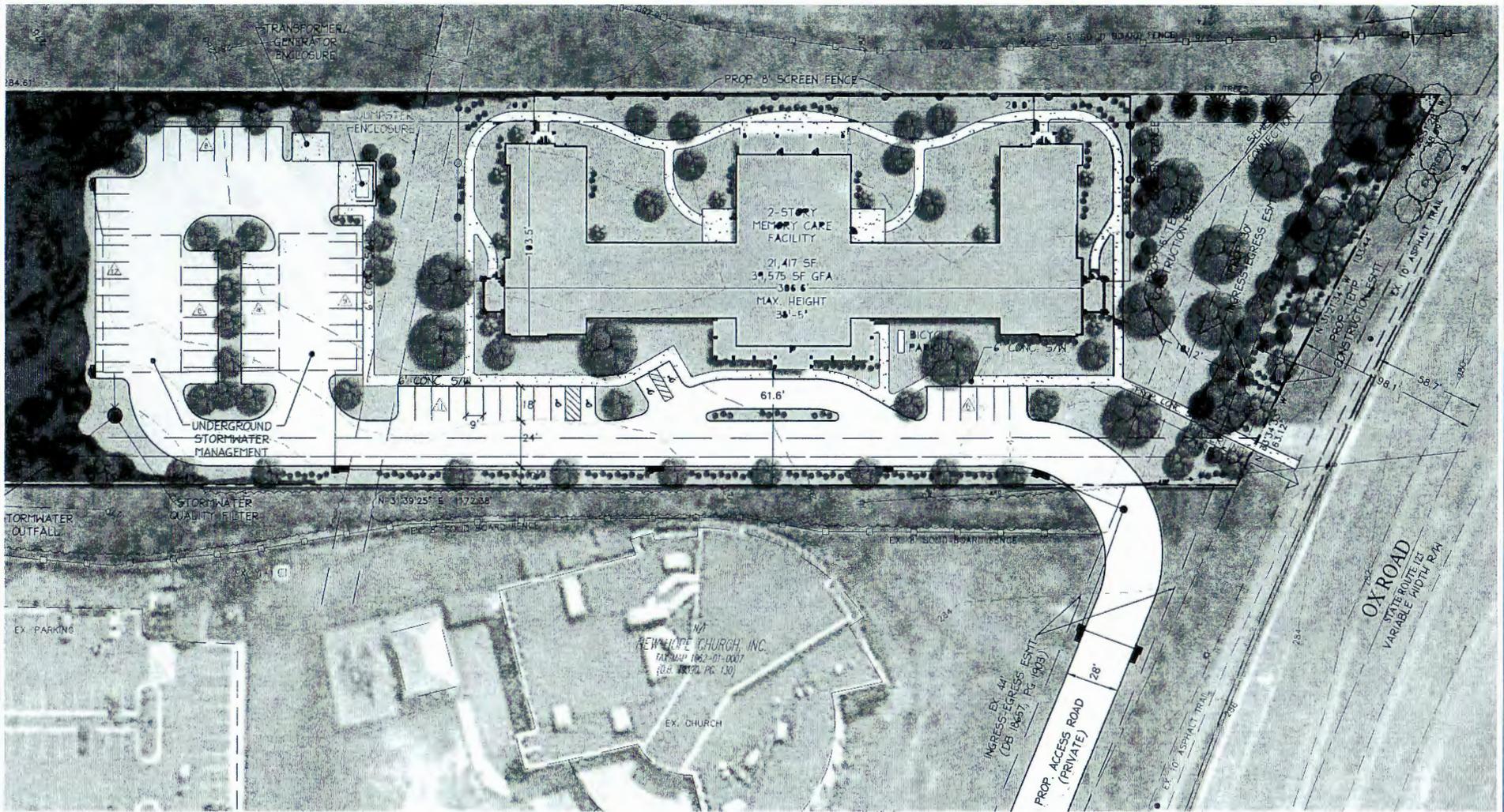
Its: President and Chief Executive Officer

SIGNATURES CONTINUE ON NEXT PAGE

TITLE OWNER:


Leonel J. Bertrand

[SIGNATURES END]



Proffer Exhibit A

Dennis D. Smith, AIA

Artis Senior Living
Lorton, VA

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