

**County of Fairfax, Virginia
Planning Commission Meeting
May 20, 2020
Verbatim Excerpt**

RZ/FDP 2019-LE-012 – BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC – Appls. to rezone from R-1 to PDC to permit continuing care facility and church with child care center with an overall Floor Area Ratio (FAR) of 0.62 and approval of the conceptual and final development plan. Located on the E. side of Telegraph Rd., S. of its intersection with Mission Ct. on approx. 7.61 ac. of land. Comp. Plan Rec: Residential 2-3 du/ac. Tax Map 92-1 ((1)) 23 and 24. (Lee District)

After Close of the Public Hearing

Commissioner Lagana: Thank you, Mr. Chairman. I just wanna to say before we - before I make the motion, that this - the Brightview development serves as a small but important project with respect to future efforts in Fairfax County regarding the co-location of facilities. And in that regard, I'm very happy with the way that this – that we've reached the – the final decisions, if you will, on the Brightview development. In that vein, I wanna thank the adjacent communities, the applicant, and of course staff, in particular, Daniel Creed, for all the work done on – on this project, especially in the last few weeks. Mr. Chairman, I request that the applicant confirm for the record agreement to the development conditions dated April 29th, 2020.

Lori Greenlief, Applicant's Agent, McGuireWoods LLP: Yes. On behalf of Brightview, we agree with those development conditions.

Commissioner Lagana: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2019-LE-012, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 20, 2020.

Commissioner Sargeant: Commissioner Sargeant seconds.

Chairman Murphy: Commissioner Sargeant seconds. Is there a discussion of the motion? All those in favor to recommend to the Board of Supervisors that it approve RZ 2019-LE-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Carter: Mr. Chairman. Mr. Chairman, I'm gonna to abstain, would be a better way to put this and...

Chairman Murphy: Okay. Commissioner Carter abstains.

Commissioner Carter: Thank you.

Chairman Murphy: Thank you very much. Motion carries with one abstention. Mr. Lagana.

Commissioner Lagana: Thank you. Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF FDP 2019-LE-012, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 29th, 2020.

Commissioner Bennett: Second.

Chairman Murphy: Seconded by Commissioner Strandlie?

Commissioner Bennett: Commissioner Bennett.

Chairman Murphy: Who?

Commissioner Bennett: Commissioner Bennett:

Chairman Murphy: Commissioner Bennett. I'm sorry. Is there a discussion of the motion? All those in favor to recommend - to approve FDP 2019-LE-012, say aye.

Commissioners: Aye.

Commissioner Carter: And I will abstain.

Chairman Murphy: Okay. Motion carriers, same abstention. Mr. Lagana.

Commissioner Lagana: Thank you, Mr. Chairman. And, finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS, AS LISTED IN THE HANDOUT DATED MAY 20, 2020.

Commissioner Bennett: Second.

Chairman Murphy: Seconded by Ms. Bennett. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Carter: Abstain again.

Chairman Murphy: Motion carries. One abstention.

Each motion carried by a vote of 11-0-1. Commissioner Carter abstained from the vote.

SS

Proffered Conditions
Brightview Senior Living Development LLC
RZ 2019-LE-012
October 28, 2019
January 27, 2020
March 9, 2020
April 21, 2020

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner and the Applicant, in this rezoning, together, proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 92-1((1))23 and 24 (hereinafter referred to as the “Property”) will be in accordance with the following conditions (the “Proffered Conditions”), if and only if, said rezoning request for the PDC Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions 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 Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”), development of the Property will be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by BC Consultants, dated August 15, 2019, revised through March 9, 2020.
2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the CDP/FDP may be permitted as determined by the Zoning Administrator.
3. Principal and Secondary Uses/Maximum Density. The principal use on the Property will be a continuing care facility (CCF) with secondary uses consisting of a church with a child care center, as identified on the CDP/FDP. The church with child care center will be no more than 21,000 gross square feet in size and the CCF will be no more than 184,000 gross square feet in size. The CCF will contain up to 166 units with 47% to 53% of the units defined as independent living units per the Zoning Ordinance and 47% to 53% of the units defined as medical care facility per the Zoning Ordinance. There will be no more than 160 seats in the main area of worship for the church and the maximum daily enrollment for the child care center/preschool will be no more than 125 children.
4. Drop-off/Pick-up. The church will utilize an adequate number of employees in the drop-off/pick-up area to ensure safe and efficient transfer of children from the cars to the child care center and to ensure that stacking of vehicles occurs only within the stacking area.

5. Playground. Outdoor recreation periods for the child care center will be staggered in order to provide the required usable outdoor recreation space for each child per Par. 1 of Sect. 9-309.
6. Shuttle. The CCF will provide shuttle service for residents from the Property to local destinations such as local retail and entertainment venues and other sites as determined by resident demand and programming. This service will be available to the residents at no extra charge, commencing upon the issuance of the Non-Residential Use Permit (Non-RUP). Residents will be advised of this service at the time they enter the lease.
7. Waterline Easement. Prior to site plan approval, the Applicant will cause to be recorded, an easement plat for the existing waterline on Park Authority property along the southern lot line.
8. Trail Connection to Lee District Park. The Applicant will coordinate with Park Authority representatives to field locate the trail connection shown on the CDP/FDP in the southeast corner of the Property. The agreed upon location will be shown on the site plan for the CCF. The Applicant will coordinate with the Park Authority at the time of site plan review for permission to clear, grade and construct the trail as referenced on the CDP/FDP on the Park Authority property. The entirety of the trail, both on the Property and the portion of the proposed trail to be constructed by the Applicant on Park Authority property (the connection on Park Authority property to existing off-site trails) will be ADA compliant.
9. Signs. All signs will meet the requirements of Article 12 of the Zoning Ordinance. The Applicant and Owner reserve the right to request a Comprehensive Sign Plan in the future.
10. Architecture. The architectural design of the CCF will be in substantial conformance with the bulk, mass and quality of materials shown on the elevations included on the CDP/FDP.
11. Internal Pedestrian Circulation. Internal pedestrian circulation will be provided in the form of private trails and walkways throughout the Property as identified on the CDP/FDP. Except as otherwise indicated on Sheet 23 of the CDP/FDP, all permanent trails and walkways throughout the Property will meet accessibility standards as required by the Americans with Disabilities Act. The Applicant reserves the right to modify the layout and alignment of the internal trails and walkways based on final design, provided that pedestrian connectivity is maintained throughout the Property and the limits of clearing and grading are not increased. Installation of the internal private trails and walkways will be completed in accordance with the phasing plan on Sheet 25 of the CDP/FDP and prior to the issuance of the first non-RUP for the respective building in the given phase.

II. ENVIRONMENTAL

12. Green Building. For the CCF, the Applicant will select one of the following programs to be implemented and will inform the Environment and Development Review Branch (EDRB) of the Department of Planning and Development which program has been chosen as part of the first site plan submission:
- Earthcraft. Certification of the building in accordance with the EarthCraft House Multifamily Program as demonstrated through documentation provided to EDRB prior to the issuance of the Non-RUP for the building.
 - National Green Building Standard (NGBS). Certification in accordance with NGBS using the ENERGY STAR® Qualified Homes path for energy performance as demonstrated through documentation submitted to EDRB from a Verifier certified through the Home Innovation Research Labs, that demonstrates that the building has attained such certification prior to the issuance of the residential use permit (RUP) for the building. To use an energy path other than ENERGY STAR, the Applicant must provide both the above reference certification documentation and additional documentation demonstrating equivalent or greater energy performance to the ENERGY STAR standard prior to the issuance of the Non-RUP for the building.
 - U.S. Green Building Council's Leadership in Energy and Environmental Design v4 Homes and Multifamily Midrise (LEED-Homes) – The applicant will include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design v4 Homes and Multifamily Midrise (LEED-Homes) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council (USGBC), that the applicant anticipates attaining. A LEED-accredited professional (LEED-AP) who is also a professional engineer or licensed architect will provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED certification of the project.

In addition, prior to site plan approval, the applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Development as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

Prior to the building plan approval, the applicant will submit documentation, to the Environment and Development Review Branch of DPD, regarding the U.S. Green Building Council's preliminary review of design-oriented credits in the LEED program. This documentation will demonstrate that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Silver certification.

Prior to release of the bond for the project, the applicant shall provide documentation to the Environment and Development Review Branch of DPD demonstrating the status of attainment of LEED certification or a higher level of certification from the U.S. Green Building Council for the building.

As an alternative to the actions outlined in the above paragraphs, or if the U.S. Green Building Council review of design-oriented credits indicates that the project is not anticipated to attain a sufficient number of design-related credits to support attainment of LEED Silver certification, the applicant will post, a “green building escrow,” in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of (\$2/square foot). This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED certification or higher level of certification, by the U.S. Green Building Council, under the most current version of the LEED-Homes rating system or other LEED rating system determined, by the U.S. Green Building Council. The provision to the Environment and Development Review Branch of DPD of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. At the time LEED certification is demonstrated to the EDRB, the escrowed funds and/or letter(s) of credit shall be released to the Applicant.

If prior to bond extension, reduction or final bond release for the building site, whichever occurs first, the Applicant provides to EDRB documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the USGBC to fall within three (3) points of attainment of LEED certification, 50% of the green building escrow will be released to the Applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of county environmental initiatives. If the certification is still in progress at the time of application for the bond extension or reduction, the time frame for the provision of the documentation described above shall be automatically extended to the time of the next bond extension or extension. However, the documentation must be provided prior to the final bond release for the building site.

If prior to the bond extension, reduction or final bond release for the building site, whichever occurs first, the Applicant fails to provide documentation to EDRB demonstrating attainment of LEED certification or demonstrating that the building has fallen short of LEED certification by three (3) points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives. If the certification is still in progress at the time of application for bond extension or reduction, the time frame for the provision of the documentation described above shall be automatically extended to the time of the next bond extension or reduction. However, the documentation must be provided prior to the final bond release for the building site.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPD, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

For the church building, the church property owner will ensure that the following practices are utilized:

- Dishwashers, refrigerators/freezers, light fixtures, exit signs and water heaters will be ENERGY STAR qualified
- Only adhesives, sealants, paints and flooring systems that meet LEED-NC credits will be utilized.

13. Electric Vehicle Charging Station. The Applicant will provide one electric vehicle ("EV") charging station within the parking lot in the northern portion of the Property. The Applicant will identify the space that will be served by the EV charging station on all site plan and building plan submissions, as applicable.
14. Tree Preservation: The applicant will submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative will be prepared by a Certified Arborist or a Registered Consulting Arborist, and will be subject to the review and approval of Urban Forest Management Division ("UFMD").

The tree preservation plan will include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 12 inches or more in diameter except that within the tree save area near the waterline on Park Authority property, the tree inventory will identify the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees, living or dead, with trunks 6 inches or more in diameter (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 25 feet outside of the proposed limits of clearing, in the undisturbed area and within 10 feet of the proposed limits of clearing in the area to be disturbed. All trees inventoried will be tagged in the field so they can be easily identified. If permission is not allowed from the offsite property owner to tag trees, it will be noted on the tree preservation plan by providing written documentation between the applicant and the offsite property owner. The tree preservation plan will provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the CDP/FDP and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative will include all items specified in PFM 12-0307 and 12-0309. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, soil testing and

recommended fertilization, Cambistat, airspading within the critical root zone to incorporate the application of compost and bio-char will be included in the plan.

At the time of site plan review for the CCF, any trees 6 inches or greater on Park Authority property that may be impacted will be identified and included on the tree preservation plan. All trees on park authority property that are removed or trees for which construction activities would critically impact their long term survivability, as determined by FCPA, will be replaced on a two for one tree basis (two trees planted for every one tree removed) including those anticipated to be removed in association with the installation of the waterline. Any additional trees on FCPA property identified for removal during the pre-construction meeting with FCPA and UFMD will also be replaced on a two for one basis.

13. Project Arborist/Pre-construction Meeting: Prior to the pre-construction meeting the Applicant will have the approved limits of clearing and grading flagged with a continuous line of flagging. The Applicant will 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 a UFMD representative, a Fairfax County Park Authority representative and a Water Authority 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. Such adjustments will be recorded by the Project Arborist and tree protection fencing will be implemented under the Project Arborist's supervision based on these adjustments. The Lee District Supervisor's office and the president of the Mission Heights subdivision to the northeast will be notified within one week of the date and time of this pre-construction meeting.

14. Limits of Clearing and Grading: The Applicant will conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of the Department of Public Works and Environmental Services ("DPWES"), as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they will be located in the least disruptive manner necessary as determined by the UFMD. A replanting plan will be developed and implemented, subject to approval by the UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

15. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan must be protected by tree protection fencing in accordance with the Public Facilities Manual (PFM), and as approved by UFMD.

All tree protection fencing must be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing is to be performed under the direct 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, the UFMD, is to 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 may occur until the fencing is installed correctly, as determined by the UFMD.

16. Root Pruning: The Applicant will root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments will be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments will 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:
 - Root pruning will be done with a trencher or vibratory plow to a depth of 18 - 24 inches where indicated on the approved plans. After root pruning with vibratory plow or trencher, the project arborist will insure that any roots over one inch (1") in diameter that are jagged or broken by machinery will be hand pruned with loppers or hand pruning saw.
 - Root pruning will take place prior to any clearing and grading, or demolition of structures.
 - Root pruning will be monitored by the Project Arborist.
 - UFMD, DPWES will be informed when all root pruning and tree protection fence installation is complete.

17. Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the 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, development conditions 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.

18. Landscape Pre-Installation Meeting: Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer will coordinate a pre-installation meeting on site with the landscape contractor and a representative of UFMD. Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan will be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material.

Field location of planting material, when required by the approved plan, will be reviewed at the pre-installation meeting. The Landscape Contractor will stake proposed individual planting locations in consultation with the Contractor/Developer prior to the pre-

installation meeting, for review by UFMD staff. Stakes will be adjusted, as needed, during the course of the meeting as determined by UFMD staff based on discussion with the Contractor/Developer and the Landscape Contractor.

19. Landscaping. A landscape plan that shows, at a minimum, landscaping in conformance with the landscape design shown on the CDP/FDP, Sheets 5 and 6, will be submitted concurrently with the first submission, and all subsequent submissions of the site plan for review and approval by Urban Forest Management Division (UFMD), Department of Public Works and Environmental Services (DPWES).

Landscaping will be generally consistent with the quality, quantity and the locations shown on the CDP/FDP and will be non-invasive, predominantly native species and improved cultivars. At the time of planting, the minimum caliper for deciduous trees will be two (2) inches and the minimum height for evergreen trees will be eight (8) feet. Actual types and species of vegetation will be determined pursuant to more detailed landscape plans approved by Urban Forestry Management Division (UFMD) at the time of site plan approval. The Applicant or Owner reserves the right to make minor modifications to such landscaping to reasonably accommodate utilities and other design considerations, as approved by UFMD, provided such relocated landscaping will retain a generally equivalent number of plantings as shown on the approved CDP/FDP.

20. Tree Preservation, Northern Lot Line. If the long term viability of any tree shown to be preserved on the tree preservation plan in proximity to the northern lot line (that adjacent to the subdivision on Mission Court) is compromised during construction, as determined by UFMD, the square footage of tree canopy of that tree will be replaced by the Applicant prior to the issuance of a Non-RUP.
21. Invasive Species Management Plan: An invasive species management plan shall be submitted as part of the first and all subsequent site plan submissions detailing how the invasive and undesirable vegetation will be removed and managed. The detailed invasive species management plan shall include the following information:
 - Identify targeted undesirable and invasive plant species to be suppressed and managed.
 - Identify targeted area of undesirable and invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan.
 - Recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
 - Identify how targeted species will be disposed.
 - If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist).

- Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) when will treatments begin and end during a season and proposed frequency of treatments per season.
- Identify potential areas of reforestation and provide recommendation
- Monthly monitoring reports provided to Urban Forest Management Division (UFMD) and Site Development Inspections (SDID) staff.
- Duration of management program; until Bond release or release of Conservation Deposit or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by Project Arborist and an inspection by UFMD staff.

22. Stormwater Management Facilities and Best Management Practices Stormwater management (SWM) will be provided as generally depicted on the CDP/FDP and will be reviewed for adequacy and approved by Land Development Services (LDS). The requirements for maintaining non-County maintained SWM improvements will be in a standard maintenance agreement between the County and the Applicant, its successor and assigns. This agreement will be recorded in the County land records and run with the land. Should future County policy permit all or part of the SWM facilities on the Property to be eligible for County Maintenance, then the Applicant may request County maintenance for eligible facilities.

23. Lighting. All outdoor and building-mounted lighting will comply with the Outdoor Lighting Standards of Section 14-900 of the Zoning Ordinance. Light poles in surface parking lots will be no taller than fifteen (15) feet including the base. Both surface parking lot lights and building-mounted lighting will utilize shielded cut-off fixtures and be directed inward and downward such that the lamp surface is not directly visible to adjacent properties.

III. TRANSPORTATION

24. Bicycle Parking. As part of the site plan approval for each building within the Proposed Development, the Applicant will designate on the site plan for such building short-term and long-term secure bicycle storage locations convenient to the uses as outlined in this Proffer. The design and location of such facilities will be determined as specified in the County's Bicycle Parking Guidelines dated February 14, 2017, as may be amended, or at a reduced rate as may be adopted by the County. For the purpose of determining such rates, short- and long-term bicycle parking/storage for the Continuing Care Facility will be provided at the Multifamily parking rate with the long-term rate applied to the independent living units only and bicycle parking for the Church and Child Care uses will be provided as short-term parking only at the Commercial Retail rate. Such bicycle storage facilities will be installed prior to issuance of the first RUP or Non-RUP for each new building shown on such site plan and as coordinated with FCDOT. For purposes of this proffer, short-term bicycle parking will be publicly accessible. Long-term bicycle parking may be private and will be in a secure location such as a bicycle room, parking structure, cage, locker, or other secure parking option approved by FCDOT.

25. Frontage Improvements. The Applicant will construct the frontage improvements shown as “Proposed” on the CDP/FDP, subject to VDOT approval, and have these improvements open to traffic, but not necessarily accepted by VDOT, prior to the issuance of the first Non-RUP. If the design waivers necessary to construct the frontage improvements shown as “Proposed” are not approved by VDOT, the Applicant will construct the frontage improvements shown as “Possible” on the CDP/FDP, also subject to VDOT approval, and have these improvements open to traffic, but not necessary accepted by VDOT, prior to the issuance of the first Non-RUP.

IV. CONTRIBUTIONS

26. Traffic Signal Preemptive Devices. Prior to site plan approval, the Applicant will contribute \$10,000 to the Capital Project Fund 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 Lee District as determined by the Fire and Rescue Department. The Applicant shall have no responsibility for the maintenance of the device after installation.
27. Park Authority. Prior to site plan approval for the continuing care facility, the Applicant will made a one-time contribution to the Fairfax County Park Authority (FCPA) of \$893 per resident based on the formula 1.5 residents per independent living unit for use at off-site recreational facilities intended to serve the residents of the Lee District as determined by the Fairfax County Park Authority in consultation with the Lee District Supervisor.
28. Parks. Pursuant to Section 6-110 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide recreational facilities to serve the Property as shown on the CDP/FDP. At the time of site plan review, the Applicant shall demonstrate that the value of any proposed recreational facilities to include indoor exercise facilities, indoor activity rooms, indoor multi-purpose rooms, outdoor seating areas, trails, courtyards, landscaped gardens, formal gardens and any other outdoor recreation facilities are equivalent to a minimum of \$1,900 per independent living unit. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$1,900 per independent living unit to FCPA for off-site recreational facilities and/or athletic field improvements intended to serve the future residents within the Lee District.
29. Affordable Housing. The Applicant will contribute a total of \$3.00 per gross square foot of the continuing care facility to the Fairfax County Housing Trust Fund for the provision of affordable accommodations, prioritized for older adults and/or persons with disabilities at the discretion of the Department of Housing and Community Development. This contribution will be made in three payments: \$1.00 per gross square foot at the time of building permit issuance for the continuing care facility, \$1.00 per gross square foot prior

to the issuance of the non-RUP for the continuing care facility, and \$1.00 per gross square foot prior to bond release associated with the continuing care facility site plan or within three (3) years of the first payment, whichever comes first.

30. Escalation. All monetary contributions required by these proffers shall escalate on a yearly basis from the base year of 2020, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.3.

Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

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 and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

Brightview Senior Living Development, LLC
Applicant/Contract Purchaser of 92-1((1))23, pt. and 24, pt.

By: _____

Name: David D. Carliner

Title: Executive Vice President

Trustees of Virginia Hills Baptist Church
Title Owner of Tax Map 92-1((1))23, 24

BY:

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____

Title: _____

PROPOSED DEVELOPMENT CONDITIONS

FDP 2019-LE-012

April 29, 2020

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2019-LE-012, located Tax Map 92-1 ((2)) 23 and 24 , staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property will be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP) entitled "Brightview Virginia Hills" prepared by BC Consultants. and dated August 15, 2019 as revised through March 9, 2020 and containing 26 sheets and these conditions.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission. This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Requested Waivers and Modifications
May 20, 2020

1. A modification of the transitional screening requirement along the western and northern property lines, in favor of the landscaping shown on the CDP/FDP.
2. A modification of the required barrier along the northern property line in favor of the existing barrier shown on the CDP/FDP.
3. A waiver of the required barrier along the western property line.
4. A modification of the peripheral parking lot landscaping in favor of the landscaping shown on the CDP/FDP.