



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

(703) 324-1290 TTY 711 (Virginia Relay Center) Fax (703) 324-3924

V I R G I N I A

March 16, 2004

Gregory A. Riegler
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

Re: Interpretation for PCA 84-V-131, SEA 84-V-131, The Fairfax, Sunrise (previously Marriott) Senior Living Facility, Tax Map 108-1 ((1)) 47A: Building Layout Modifications

Dear Mr. Riegler:

This is in response to your letter of January 26, 2004, and subsequent revised letters dated February 13, 2004, and March 9, 2004, requesting an interpretation of the Generalized Development Plan Amendment (GDPA) and Special Exception Amendment (SEA) Plat, proffers and the development conditions accepted and approved by the Board of Supervisors in conjunction with the approval of PCA 84-V-131 and SEA 84-V-131. As I understand it, the question is whether a modification to the approved assisted living building layout would be in substantial conformance with the GDPA/SEA Plat, proffers and development conditions.

This determination is based on the plan attached to your revised letter of March 9, 2004, entitled "Interpretation Graphic, Sunrise Senior Living, Proposed Healthcare Center Expansion and Parking Spaces," which is dated February 2004, and prepared by Dewberry & Davis. Copies of the letter and a reduction of the plan are attached for reference.

As I understand it you are proposing a 19,800 square foot wing consisting of 26 units on the northwest side of the existing assisted living building and an outdoor yard area at the originally approved location of the Phase III building and outdoor yard area shown on the Amended Special Exception Plat and Generalized Development Plan approved with RZ 84-V-131 and SE 84-V-131, dated September 2, 1988. You have stated that, given the proposed building is smaller than the original approval, the site will remain within the approved intensity and occupancy limitations associated with the PCA/SEA approvals. The assisted living building was approved for 175 beds; the project is currently developed for 115 beds; and the proposed addition would include 26 beds. You are proposing to provide associated parking on the north side of the proposed building at the same location as shown on the originally approved GDP/SE Plat. You are also proposing eight (8) parallel visitors parking along the access drive to the proposed building.

Gregory A. Riegler
Page 2.

It is my determination that the proposed 19,800 square foot wing to the assisted living building and associated parking as shown on your Interpretation Graphic would be in substantial conformance with the GDPA/SEA Plat, proffers and the development conditions. This determination is made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Kul Sandhu at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division

BABKSSunrise Senior Living

Attachment: A/S

cc: Gerald W. Hyland, Supervisor, Mount Vernon District
John R. Byers, Planning Commissioner, Mount Vernon District
Daryl L. Varney, Deputy Zoning Administrator, for Zoning Permits Review Branch, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: PCA 84-V-131, SEA 84-V-131; PI 0402, SEI 0402, Imaging, Reading File

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griegle@mcguirewoods.com
Direct Fax: 703.712.5218

March 9, 2004

VIA TELECOPY & E-MAIL

Kul Sandhu
Office of Planning & Zoning
Suite 800
12055 Government Center Parkway
Fairfax, VA 22035

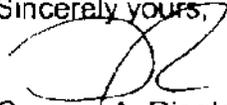
Re: Pending Interpretation for "The Fairfax"

Dear Kul:

This is in response to the voice mail you left me this morning concerning tying up any remaining loose ends associated with the pending interpretation. In your voice mail, you asked me to confirm that the new parking spaces and plaza reflected on the so-called Interpretation Exhibit were in conformance with the governing special exception.

When compared to that allowed under the governing special exception, this interpretation proposes no new parking and no increase in parking above that reflected on the approved special exception. Any reference to "additional" parking in previous correspondence merely reflects spaces above those presently developed, but well within the number and location allowed under the governing approval. Similarly, the proposed plaza reflected on the Interpretation Exhibit was also a feature shown on the governing special exception, but not constructed in connection with the existing development.

I trust this clarifies any remaining questions you have. If I can provide any further information, please let me know.

Sincerely yours,

Gregory A. Riegler

GAR/ppl

cc: Nancy Kard, Sunrise Development, Inc.

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FEB 19 2004

Zoning Evaluation Division

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Direct Fax: 703.712.5218

February 13, 2004

Kul Sandhu
Department of Planning & Zoning
Suite 800
12055 Government Center Parkway
Fairfax, VA 22035

Re: Pending Interpretation for "The Fairfax"

Dear Kul:

As a follow up to our recent discussions, the engineers at Dewberry & Davis have revised the interpretation exhibit per your request. As I understand it, your comment was to more fully incorporate the most recent proffer condition/special exception condition amendment ("PCA/SEA") that affected the property. Attached is the revised exhibit.

Please recall that beyond a change to the overall site area, this PCA/SEA had no direct impact on the layout or operation of "The Fairfax" facility. The PCA/SEA was solely for the purpose of deleting land to facilitate the residential project commonly known as Cook Inlet. To be sure there is no confusion regarding the absence of any impact of the PCA on the Fairfax, I have attached Development Condition 4 of the most recent SEA that confirms the absence of impacts on the originally approved site layout. I am also pleased to confirm that, as you correctly noted, the land area associated with "The Fairfax" is 40.07 acres and not the 39.07 acre amount reflected on our initial interpretation request.

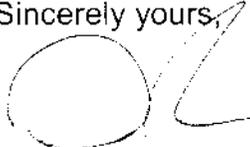
We have also tried to clarify the configuration of the proposed parking in relation to the governing approval. As more clearly noted on the attached exhibit, the parking in the northernmost areas, outside the access road, is to be developed in two phases. This generally corresponds to the configuration of parking shown on the governing special exception plat.

We have also added some minor elaboration concerning the "proposed health care center expansion". The square footage (19,800 square feet) and height (20 feet)

Kul Sandhu
February 13, 2004
Page 2

remain the same as that proposed in the original interpretation request; however, we have added a clarifying note indicating that the likely design of the building itself will be one and one-half stories when viewed from grade. Notwithstanding this design nuance, the overall height of the building will not exceed the twenty feet (20') reflected on the exhibit endorsed by Staff as part of the November 2002 interpretation involving the same subject.

On receipt, if you have any questions, please feel free to give me a call.

Sincerely yours,

Gregory A. Riegler

GAR/ppl

cc: Nancy Kard
Philip Yates

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McGUIREWOODS

RECEIVED
Department of Planning & Zoning
JAN 26 2004
Zoning Evaluation Division
greg@mcguirewoods.com
Direct Fax: 703.712.5218

January 26, 2004

VIA HAND DELIVERY

Kevin Guinaw
Department of Planning & Zoning
Suite 880
12055 Government Center Parkway
Fairfax, VA 22035

Re: Interpretation for PCA 84-V-0131, SEA 84-V-0131,
The Fairfax, Sunrise Senior Living Facility, TM 108-1-((1))-47A

Dear Kevin:

This letter is a request for an interpretation of the zoning approvals referenced above (herein the "governing approvals"). The Subject Property is commonly known as "The Fairfax," consists of 39.97 acres and is generally located at the intersection of Telegraph Road and Richmond Highway. The Clerk's letter for the governing approvals is attached (Exhibit 1). Also attached is an interpretation exhibit (Exhibit 2) showing a proposed minor modification of certain approved buildings and parking areas.

Since its inception, The Fairfax has been operated exclusively for retired members of the armed forces and their spouses. Historically, the facility was operated by Marriott Senior Living Services; however, more recently, the facility has been sold to Sunrise Senior Living, whose affiliates now own and operate the facility.

On March 3, 1997, a memorandum was issued by the Zoning Evaluation Division (copy attached as Exhibit 3) confirming the administrative ability to make certain reconfigurations to unconstructed buildings. In November of 2002, the Zoning Evaluation Division issued an interpretation of the governing approvals (copy attached as Exhibit 4) that permitted a minor modification of an unconstructed portion of the approved development to accommodate additional assisted living beds. The building that was the subject of this prior interpretation has not been constructed.

The previous interpretation request allowed the Fairfax to better respond to industry trends by offering expanded assisted living services on the property. The same general rationale drives the current interpretation request. The proposed reconfiguration of the approved development allows the approved assisted living component to better reflect Sunrise's extensive design and operational experience in providing quality assisted living care.

The newly configured "assisted living wing" will consist of approximately 19,800 square feet and 26 units. The assisted living component will also incorporate a secure outdoor yard in the area generally identified on the interpretation exhibit. As evidenced in the attached exhibit, the location, configuration and orientation for the proposed location of the building is actually in greater conformance with the governing approvals than that associated with the November 2002 interpretation. The building height will not exceed the 20 foot height referenced on the plat approved in connection with the November, 2002 interpretation.

When compared to the exhibits approved under most recent interpretation, also proposed are relatively minor restrippings and additions to the parking area. While slightly different than that reflected in the November 2002 interpretation, the proposed parking configuration reflects a return to that generally shown on the plans approved in connection with the governing approvals and does not create parking above or beyond that permitted under the same.

At your earliest convenience, please confirm that the minor modifications described herein are in substantial conformance with the governing approvals. Thank you in advance for your consideration of this request. On receipt, if you have any questions or require any additional information, please don't hesitate to let me know.

Sincerely yours,



Gregory A. Riegler

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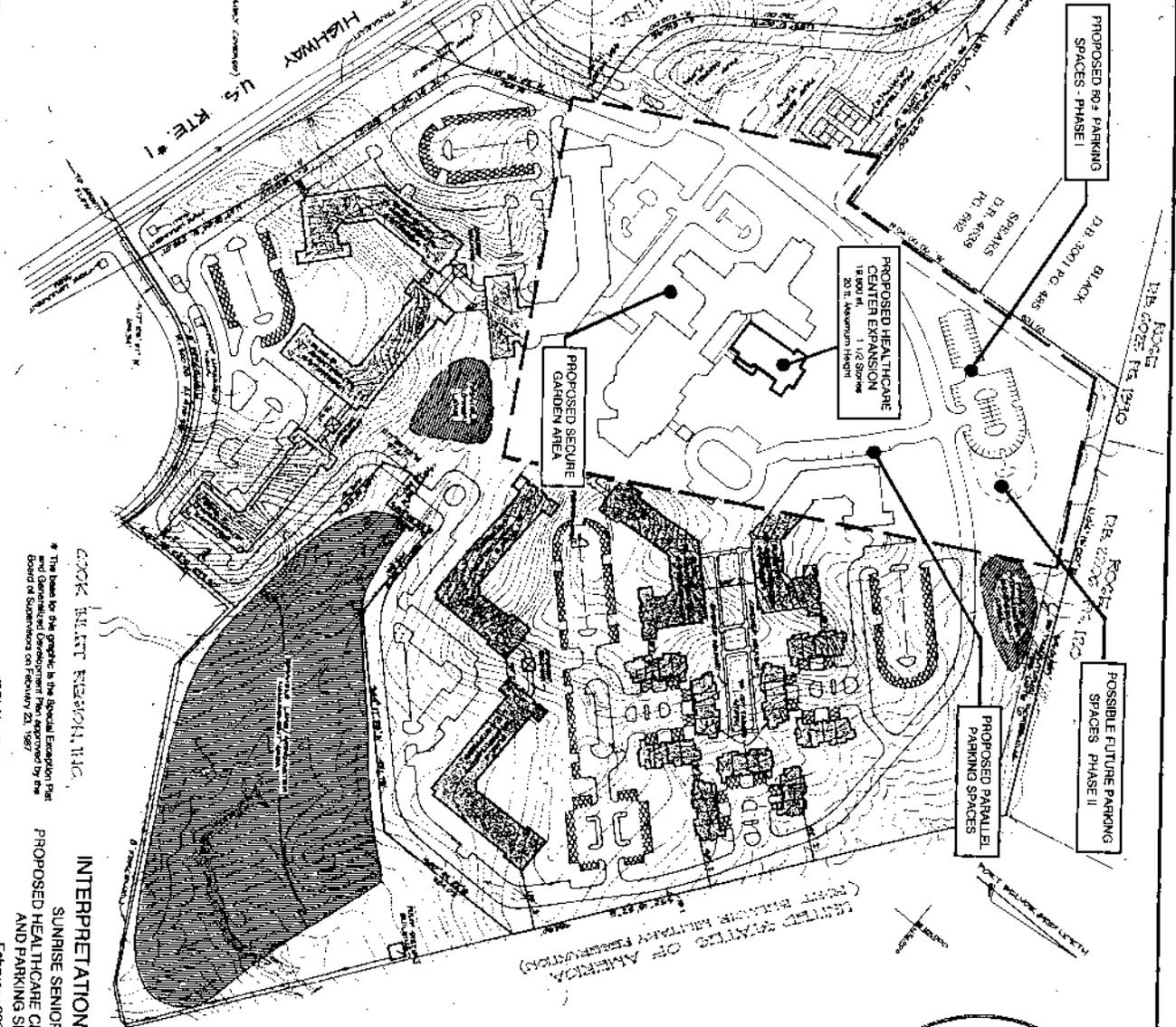
cc: Nancy Kard
Philip Yates

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NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	1/20/04	EDD
2	REVISION	1/20/04	EDD
3	REVISION	1/20/04	EDD
4	REVISION	1/20/04	EDD
5	REVISION	1/20/04	EDD
6	REVISION	1/20/04	EDD
7	REVISION	1/20/04	EDD
8	REVISION	1/20/04	EDD
9	REVISION	1/20/04	EDD
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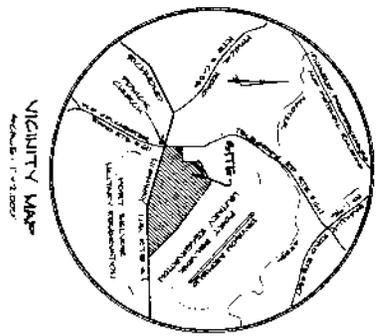
LEGEND

PROPOSED 1 PERCENT/PERCENT
 PROPOSED 2 PERCENT/PERCENT
 PROPOSED 3 PERCENT/PERCENT
 PROPOSED 4 PERCENT/PERCENT
 PROPOSED 5 PERCENT/PERCENT
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 PROPOSED 8 PERCENT/PERCENT
 PROPOSED 9 PERCENT/PERCENT
 PROPOSED 10 PERCENT/PERCENT



COOK HILTT REGIONAL, INC.
 * The basis for the graphic is the Special Exception Plat and Generalized Development Plan approved by the Board of Supervisors on February 23, 1987.

INTERPRETATION GRAPHIC*
 SUNRISE SENIOR LIVING
 PROPOSED HEALTHCARE CENTER EXPANSION
 AND PARKING SPACES
 February 2004



- NOTES:**
- The lot shown herein is located on Fairfax County Ord. and 1983 Ord. 1983 and Ord. 1983.
 - Proposed 80+ parking spaces (11) to include an amount reserved for disabled spaces (2) in accordance with the Americans with Disabilities Act (ADA).
 - Proposed 18,800 sq. ft. expansion of existing center. Maximum height of 20 feet. Maximum area of 1.12 acres. Maximum density of 1.12 units per sq. ft.
 - Proposed 18,800 sq. ft. expansion of existing center. Maximum height of 20 feet. Maximum area of 1.12 acres. Maximum density of 1.12 units per sq. ft.
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