

**STATEMENT OF SUPPORT
CA SENIOR LIVING HOLDINGS, LLC
ANTHOLOGY OF FAIRAX**

Revised April 13, 2020

I. Introduction and Requested Relief

A. Background of the Request and Proposed Building

CA Senior Living Holdings, LLC (“Applicant”) is proposing to redevelop the Lee High Inn motel property with a senior living building containing both assisted living, memory care and congregate living units. The Applicant is the contract purchaser of the subject property (“Property”). The Property consists of three parcels (Tax Map Nos. 48-3-12-003, 48-3-12-002, and 48-3-11-001A) and contains approximately 1.7+ acres. The Property address is 9865 Fairfax Boulevard. The existing motel was constructed in the early 1950’s and is improved with one building containing 32 rooms and there are 58 surface parking spaces.

The Applicant is affiliated with CA Ventures, which is an international real estate investment and management company headquartered in Chicago, Illinois. The Applicant was established to invest, develop and manage premier senior living communities in select underserved areas. Its projects reflect forward-thinking design, use of technology and lockstep integration with operations to enhance the resident experience and operational efficiencies.

The Applicant owns or operates 29 senior communities, has 11 under construction, and has 22 properties that are under contract and are in the entitlement and design phase or closing process. The Applicant was attracted to the City because of its strong economy, its proximity to world-class hospitals and medical care, the high concentration of longtime older residents, and the City’s nationally recognized reputation.

The Property is zoned CR, Commercial Retail, and is within the Architectural Control Overlay District (ACOD). The assisted living and memory care components of the project are permitted uses in the CR District, while the congregate living units require a Special Use Permit. The Applicant requests such Special Use Permit, along with certain Special Exceptions to construct the new building. Concurrently, the Applicant will be seeking a Certificate of Appropriateness from the City’s Board of Architectural Review.

The proposed development will consist of one building with one access point on Fairfax Boulevard. The building will be five stories (up to 60 feet high) which is consistent with the CR District. The first level will be used primarily for parking, plus approximately 6,600 square feet of floor area devoted to the building lobby, management offices, a lounge area and other support space.

The four upper floors will contain 88 assisted living units (32 of which will be devoted to memory care residents) and 62 congregate living units. Studio units, one-bedroom units and two-bedroom units will all be offered. The total number of units will be 150. A total of 109

parking spaces will be provided, which is one space more than the number required. On-site amenities will include several bistro and private dining areas, lounges, fitness centers, game rooms, libraries, a chapel, hobbies and craft room, a spa/salon, a pub, a theatre room, family lounges, a golf simulator room and outdoor patio and garden areas. The Applicant will also operate a shuttle service for the residents.

B. State Licensing Requirements and Applicant's Health and Safety Procedures

The Applicant proposes to license the facility as an Assisted Living Facility under the Commonwealth of Virginia Department of Social Services (DSS). As such, the building design will be reviewed by DSS prior to construction. That review process ensures that any issues that may arise after substantial completion of the building when the full licensure walk-through by DSS occurs may only reveal cosmetic items rather than structural. The DSS does not grant the license until all design and operational guidelines are met.

The facility will operate on a 24-hour per day basis and will be staffed accordingly with several shifts during the day. The building will be fully secured and will offer varying levels of aids for daily living tailored to each individual resident's needs. The levels of service will be adjusted as the needs of the resident may demand, and are monitored regularly by medical professionals. From a health safety and regulatory aspect, the DSS continues to review the license after the facility opens and dictates that appropriate operational and design parameters continue to be satisfied. Examples of such parameters include compliance with accessibility codes, size of sleeping areas, a prohibition of cooking appliances in assisted living and memory care units, and location of nurses' stations.

The average age of the future residents in the building will be 85 years old. In order to address the health concerns for the residents and the staff in the best manner, the Applicant must comply with the DSS's Standards for Licensed Assisted Living Facilities. In particular, Section 22 VAC 40-73-100 (Infection Control Program) requires all assisted living facilities to prepare and implement an infection control program addressing the surveillance, prevention and control of disease and infection. The program must be consistent with the federal Centers for Disease Control and Prevention (CDC) guidelines and the federal Occupational Safety and Health Administration (OSHA) blood borne pathogens regulations. The infection control program is applicable to all staff and volunteers and encompasses all services. The program must include procedures to prevent infection, a staff health program, a reporting requirement for any outbreak and a requirement to follow all Virginia Department of Health recommendations.

In response to the current COVID-19 pandemic, the Applicant has taken the following precautionary temporary measures at all current operating Anthology Senior Living communities to ensure the health, safety and wellbeing of its residents and staff and minimize the transmission of the virus:

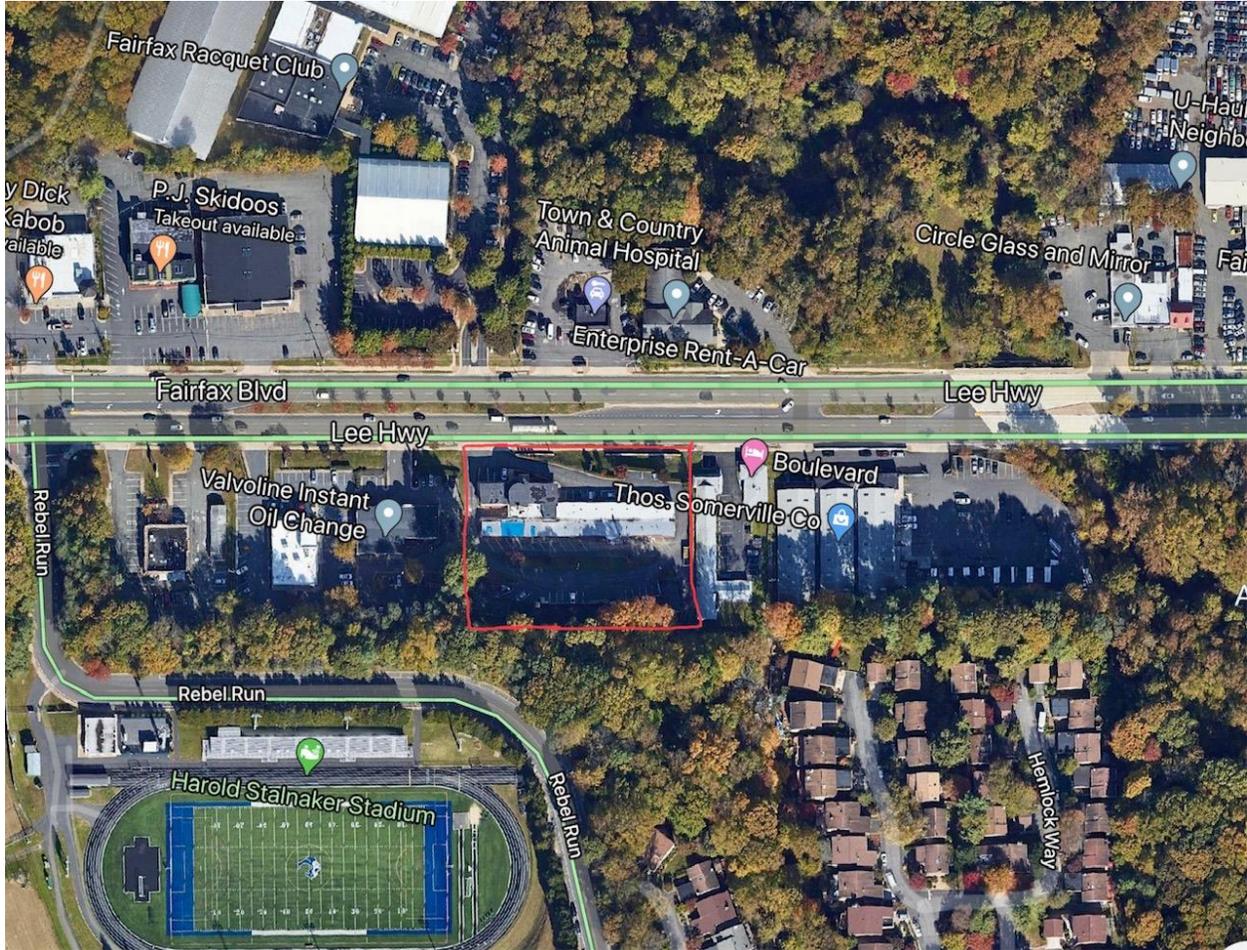
- Enacted a Temporary Admission Ban – to ensure that residents from outside our community do not bring the virus into our communities.

- In-Room Quarantine – this protocol nearly eliminates resident-to-resident transmission.
- PPE Protocol – staff members are required to wear facemasks whenever with a resident. In the event that a resident is suspected to have COVID-19, usage of a mask, gown, and gloves are required, and the PPE used while with that resident is immediately disposed of. The CDC recommendations and guidelines regarding use of PPE are adhered to at all Anthology Senior Living communities. Despite worldwide shortages of PPE, the Applicant has been able to source an ample supply through very large bulk orders.
- Visitor Ban / Screening – only essential visitors are allowed to enter the Anthology communities and each visitor or staff member is subjected to a screening protocol, which includes a COVID-19 screening questionnaire and must pass a temperature screen prior to entry.
- Resident Temperature Check – all residents have their temperature checked twice a day at nearly the same time. If a fever is detected the primary care provider is immediately notified.
- Staff Member Appreciation – the Applicant has increased the hourly wage and expanded the PTO benefits for its staff members.
- Social Distancing – the Applicant has reduced the size of gatherings in its communities, especially at mealtime.
- Socially Distanced Engagement Program – the Applicant has instituted measures to keep the residents engaged and active at its existing communities. This plan includes three daily activities that focus on the mind, body and spirit to keep residents mentally stimulated, physically active and engaged. In addition, residents are encouraged to schedule time during the day to take a walk outside or visit the gym to exercise. The staff provides oversight from a safe distance. Further, the Applicant has implemented technology-based engagement activities such as movie streaming services, distance learning resources, virtual museum tours, and continued virtual instruction on how to use FaceTime, Skype and other remote video communication methods.
- Amazon Echo Dot Program – the Applicant purchased Amazon Echo Dots for the residents to allow easy access to news, weather and other general topics.

These responses to COVID-19 are fluid and subject to change based on circumstances, but the Applicant's is committed to and highly focused on making its communities safe for the residents and staff members.

C. Existing Conditions and Surrounding Uses

The aerial photograph below depicts the existing conditions on the Property (Lee High Inn) and the surrounding vicinity.



The following summarizes the surrounding uses around the Property, including the direction, existing use, current zoning, and future land use designations pursuant to the City’s Comprehensive Plan:

Direction	Existing Use	Zoning	Future Land Use
Property	Commercial - Lodging (Lee High Inn Motel)	CR, Commercial Retail/ACOD	Commercial Corridor
North	Commercial — Retail (Auto Dealer)	CR, Commercial Retail/ACOD	Commercial Corridor/ Green Network

Direction	Existing Use	Zoning	Future Land Use
East	Commercial — Lodging (Boulevard Motel)	CR, Commercial Retail/ACOD	Commercial Corridor
South	Institutional (Fairfax High School)/Residential (Great Oaks)	RM, Residential Medium/ PD-R, Planned Development Residential	Green/Social/Civic Network/Single Family Detached Neighborhood
West	Auto Repair (Meineke Service Center)	CR, Commercial Retail/ACOD	Commercial Corridor

II. Special Use Permit Review Criteria

As noted above, the assisted living component of the project is a by right permitted use in the CR District. While that is the predominant use, 62 congregate living units are also proposed. A congregate living facility is deemed a Public, Civic and Institutional Use pursuant to the principal use table contained in Section 3.3.1.B of the Zoning Ordinance. As such, it requires a Special Use Permit from the City Council. Section 3.5.2.A of the Ordinance states congregate living facilities may be located on the same site or in the same complex as an assisted living facility.

In determining whether to approve a Special Use Permit request, the City Council shall consider the following:

A. Consistency with the Comprehensive Plan.

The City has recognized the dramatic increase in its older population and the need to address the needs of this segment of the population. Specifically, Housing Goal 3 in the Comprehensive Plan states that is the goal of the City to provide options for older adults with such choices as aging-in-place, accessory dwelling units, but more importantly, senior housing and assisted living/nursing care facilities. This application proposes a mix of accommodation styles and services that facilitates the opportunity to age-in-place within the building and facilitates the movement between the congregate living units to the assisted living units to the memory care units (if necessary).

Outcome H3.1 in the Plan is to provide a range of accessible housing types with appropriate levels of support and care for older adults. The corresponding action items in the Plan call for the City to express a preference for housing units that are appropriate and/or in demand by its senior population, and to incorporate features of universal design. More specifically, Action H3.1.2 expressly states the City should “Encourage development of congregate living facilities – a group of independent dwelling units that have common kitchen

and dining areas – to support older adults and persons with disabilities.” While the proposed congregate living units are not the primary use, they address the City’s need for such units.

Finally, the Comprehensive Plan guidance for Housing Goal 3 recommends that the City to amend its Zoning Ordinance, if necessary, to amend provisions that might impede the development of senior housing. In this instance, the Zoning Ordinance currently provides the necessary provisions to implement the goal.

The Applicant’s proposed development is in lock-step conformance with the City’s Comprehensive Plan recommendations for housing for the elderly. The project will provide a mix of both assisted living, memory care and congregate living units, and will incorporate many universal design techniques. The proposed mix facilitates the Plan’s recommendation for a continuum of care to accommodate aging in place, while providing a variety of services including a provision of meals, recreational opportunities, health care services, and a variety of personal services. Amenities proposed include restaurants and dining facilities, indoor recreation, common areas and gathering spaces, healthcare, and other features to serve the needs of the residents.

While the City’s Future Land Use Map designates the Property as a Commercial Corridor, this project is not in contradiction with such recommendation because both the by right assisted living function and the congregate living function are not deemed residential uses under the City’s Zoning Ordinance. Rather, each is permitted in the CR District. Nonetheless, the proposed project meets some of the goals and outcomes planned for Commercial Corridors. The project will redevelop a commercial property that is currently underutilized with an abundance of surface parking. The redevelopment will enhance Fairfax Boulevard with an architecturally excellent building containing uses that are attractive and welcoming. The Applicant’s major investment in the Property may spur additional redevelopment and make the corridor more competitive.

B. Compliance with all applicable requirements of this chapter.

This proposal is in conformance with all applicable ordinance regulations except for the Special Exception relief discussed below.

C. The effect on the health or safety of persons residing or working in the neighborhood of the proposed use.

The proposed development will have a positive effect on the health and safety of persons in the vicinity of the project. The proposed uses satisfy a specific need for senior housing opportunities in the City. The building will be a very low traffic generator compared to other by right permitted uses in the CR District and other uses deemed appropriate for a Commercial Corridor. There is only one access point and it is on Fairfax Boulevard.

D. The effect on public welfare, property and improvements in the neighborhood.

Anthology of Fairfax will benefit the surrounding properties and the City overall. The project will bring significantly higher tax revenues to the City. The use is compatible with surrounding uses and may act as a trigger for other redevelopment along the Boulevard. There is a significant separation of the proposed building with the single-family Great Oaks community – in large part because the Property abuts an HOA open space area.

III. Special Exception Review Criteria

The Applicant is seeking four Special Exceptions modifications in order to proceed with this development. Specifically, the Applicant requests Special Exception relief of the following requirements:

- A Special Exception from the requirements of Section 1.5.12.E of the Zoning Ordinance to allow a driveway to extend across a portion of the front yard setback area.

While a driveway may encroach into required yards, the Ordinance express a preference that they extend across a yard rather than along the required yard. In this instance, the existing motel has a driveway that extends along the front yard. The Applicant's project is likewise proposed to extend along the front of the property. The sole point of access on Fairfax Boulevard has been located at the safest separation from the access points on abutting properties. A one-way internal circulation pattern has been designed. This necessitates intruding into the 20-foot minimum front yard setback with the aisle way, while the proposed building is at least 40 feet from the front property line.

- A Special Exception from the requirements of Section 3.6.2 of the Zoning Ordinance to allow a portion of the upper level of the rear of the building to exceed the 45-degree bulk plane requirement.

Section 3.6.2 requires the bulk plane of the building to have at least a 45-degree angle in the rear yard when the property abuts a residential district. In this case, the rear yard abuts a wooded open space area of Fairfax High School (zoned RM) and a wooded open space area of the Great Oaks subdivision (zoned PD-R). The slope of the Property declines from the front of the proposed building and, as such, causes a small portion of the rear side of the building not to meet the 45-degree standard. Graphical representations of this condition are included with the Development Plan submitted with this application, including cross-sections depicting the views from the adjacent properties. The steep geography of the rear of the Property necessitates the requested relief but the Applicant's proposed building design steps back on the fifth story to mitigate the degree of noncompliance.

- A Special Exception from the requirements of Section 3.6.2 of the Zoning Ordinance to allow building coverage to exceed 60%.

The maximum building coverage permitted in the CR District is 60% of the lot area. The Applicant is proposing a building coverage of 66%, but that includes two separate courtyard areas located on the second level of the building. These areas will be landscaped open space will provide passive recreation opportunities for the residents. The courtyards total approximately 9,000 square feet. If these areas were not included in the building coverage calculation, the Applicant would be proposing only 54.4% of coverage – over 4,000 square feet less than the 60% maximum.

- A Special Exception from the requirements of Section 4.5.5 of the Zoning Ordinance to eliminate the setback distance requirement and planting requirements for the transitional yard area along the southern property line of the Property.

According to Section 4.5.5, the Applicant is required to provide both a Type TY2 and a Type TY3 transitional yard along the southern boundary of the property that borders Fairfax High School and the Great Oaks subdivision open space common area. The TY2 standard calls for a transition yard width of 10 feet and the TY3 standard requires a yard 15 feet wide, both of which must include tree plantings and fencing. Along this boundary, the Applicant is proposing less than the required widths in order to comply with the fire safety standards for access and circulation, but is mitigating the condition with a green roof – details of which are depicted on the Landscape Plan attached as part of the Development Plan submitted with this application. The abutting properties are both undeveloped open space areas along the border and strict compliance with the landscaping and barrier standards would provide no additional benefit to the abutting properties.

In approving a Special Exception, the City Council shall consider additional mitigation measures offered in support of the application, if any, and whether granting the special exception will:

- A. Ensure the same general level of land use compatibility as the otherwise applicable standards.

The predominant proposed use of assisted living is a by right permitted use and is in conformance with the Comprehensive Plan. Section 3.5.2A of the Zoning Ordinance deems the congregate care component an acceptable use when combined with assisted living. The proposed structure is a high quality design and generally meets the height, bulk plane and setback standards for all structures in the CR District.

- B. Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations.

As previously stated, the project will not adversely affect adjacent uses in the vicinity. The southern boundary of the Property is fortunate to abut existing dedicated open space areas that are heavily forested to provide further screening. The Development Plan includes cross-section drawings depicting the views from the adjacent properties.

- C. Be generally consistent with the purposes and intent of this chapter and the comprehensive plan.

Anthology of Fairfax prioritized a variety of housing types for seniors that are not otherwise heavily represented in the City. There is a strong demand for senior housing options. The so-called “Baby Boomers” are the fastest growing segment of the population. This project will let the City’s existing senior citizens to age-in-place in their hometown. The Comprehensive Plan specifically encourages development of the congregate living component of the project.

- D. Be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

The requested Special Exception modifications are necessary due to the steep topography of the property, the desire to meet all public health, fire and safety standards for the building, and safe access connections to Fairfax Boulevard and internal circulation patterns. The modifications also allow the Applicant’s design team to create a premier product that the City can point to as a best-in-class project along a commercial corridor that is currently tired and underperforming. The City will benefit from the positive fiscal impacts that will flow from the development.

IV. Conclusion.

The Applicant’s proposal is an opportunity to redevelop an aging, underperforming property in accordance with the recommendations of the Comprehensive Plan to provide senior housing opportunities. Anthology of Fairfax will be a welcome addition to the City and will deliver a high-quality building and use that further contributes to the City’s continued economic growth while fulfilling a significant need of the City’s older population.