

Clark, Melanie

From: Petkac, Cindy
Sent: Tuesday, June 11, 2019 8:59 AM
To: Clark, Melanie
Subject: FW: [Released by User] Fwd: 380 Maple Avenue Development

Melanie,

Please see the attached comments for the public record.

Cindy

Cindy Petkac, AICP
Director of Planning and Zoning



127 Center Street S
Vienna, VA 22180

Cindy.Petkac@viennava.gov
703-255-6340
viennava.gov

From: Jay Creswell <jaycreswell@verizon.net>
Sent: Monday, June 10, 2019 5:00 PM
To: Petkac, Cindy <Cindy.Petkac@viennava.gov>
Subject: [Released by User] Fwd: 380 Maple Avenue Development

Dear Director Petkac,

Please include the following email in the record as a comment on the 380 Maple project

Jay Creswell
jaycreswell@verizon.net

-----Original Message-----

From: Jay Creswell <jaycreswell@verizon.net>
To: mayor <mayor@viennava.gov>

Sent: Mon, Jun 10, 2019 4:56 pm
Subject: 380 Maple Avenue Development

Dear Mayor DiRocco,

I am writing to urge you to vote against the proposed development of 380 Maple Avenue as currently proposed. I see to major problems with the current proposal:

(1) the sheer mass of the building threatens to overwhelm the neighborhood, with it's towering on the back side almost 60 feet over nearby houses(allowing for the fall of land from Maple Avenue where the 54' height at Maple Avenue) Requiring the building to have stepped setbacks for 10 to 15 feet per floor would significantly reduce the impact on the neighborhood.

(2) The narrowing of Wade Hampton Drive from Maple to Glen will create many more difficulties for traffic entering or leaving the 380 building. I am particularly concerned that with a narrower street heavy trucks will avail themselves of the Wade Hampton/Glen/Millwood intersection by making Y- and U-turns to achieve a better approach or exit from the 380 project.

The voters of Vienna spoke clearly in the last election. They do not favor development on Maple Avenue on the scale allowed (but not required) under the currently flawed plan. Please honor their wishes by voting NO on the plan as currently formulated.

Jay Creswell
404 Millwood Ct. SW

Jay Creswell
jaycreswell@verizon.net

Clark, Melanie

From: John Schoeberlein <johnschoeb@gmail.com>
Sent: Friday, June 7, 2019 10:24 AM
To: Council_Manager_Clerk
Subject: [Released by User] 374-380 Maple Avenue East

Dear Mayor and Council:

I respectfully request that the Council refrain from any vote on the proposal for 374-380 Maple Avenue East until after July 1, 2019. It is clear from the election results last month that the citizens of Vienna want the Town Council to move in a different direction on MAC projects and it would not be appropriate to hold a vote on the 374-380 Maple Avenue East project prior to July 1 when two Members of Council will be replaced.

Sincerely,

John H. Schoeberlein
206 Owaissa Court SE

Clark, Melanie

From: Edna Trimm <ednatrimm@gmail.com>
Sent: Sunday, June 9, 2019 9:28 AM
To: Mayor
Subject: [Released by User] 380 maple rezoning

Please see that the safety issues are addressed before calling for a vote.

They are

Narrowing of wade Hampton

Not enough truck entrances or exits to 380

Not enough turn around on wade Hampton for delivery trucks

Not disclosing to the county of development

& these safety issues

Not getting a second traffic study by a traffic engineering firm other than what the town of Vienna uses

I addressed the town on these safety issues at the first hearing as a 77 year old grandmother trying to cross maple into the neighborhood to see my grandchildren

Please respond and see that these issues are addressed before you call for a vote.

Clark, Melanie

From: Barbara Mcleod <23bemcleod@verizon.net>
Sent: Sunday, June 9, 2019 8:32 PM
To: Mayor
Subject: 380 Development

Mayor DiRocco,

Another week has come and gone. The neighbors met with Mr. Rice and Brill at the community center. We are trying to find some common ground. It's unfortunate that the MAC gave the impression to the developer that he/she could squeeze so much into their lot and only provide token green space. When the new development backs up to commercial space like the Sunrise building, that is not as offensive as 380 looming over an established neighborhood. It's understandable that we are concerned about the impact.

I really don't think there is anyone opposed to updating and "sprucing up" our town. Some of the people that talked in favor of 380 misrepresented the neighbors whose primary objections are to the SIZE & HEIGHT of the building and traffic/safety.

I hesitate to ask you to vote no on the proposal as it stands since I don't want the council to think we are stalling. I don't anticipate much concession from Dennis as far as the building is concerned...BUT... the fact remains that the traffic safety issue on Wade Hampton for the trash/delivery trucks and the concern about cut through traffic on skinny, sharp turn Glen and Wade Hampton, doesn't appear to have been studied and addressed to anyone's satisfaction. This issue alone needs further attention from county professionals who can make an educated accurate assessment of any narrowing of streets and feasibility of the proposed truck maneuvers.

Therefore I do ask for a no vote in hopes that we can get this project right before giving it a go ahead.

Thank you,
Barbara

Barbara McLeod
23bemcleod@verizon.net

Clark, Melanie

From: Nancy Logan <njlogan1029@gmail.com>
Sent: Sunday, June 9, 2019 9:30 PM
To: Mayor
Cc: Bloch, Tara; Colbert, Linda; Sienicki, Carey; Majdi, Pasha; Noble, Douglas; Springsteen, Howard; Council_Manager_Clerk
Subject: 380 Maple

Dear Mayor and Vienna Town Council members,

We would like to forge a pathway ahead to smart, sustainable development that is good for the town, its residents, businesses and visitors. Growth and development that truly meets our current and future needs while protecting the intrinsic value, character and quality of life that it currently possesses. While we failed to accomplish this with 444 Maple, we do hope that we can learn from this and encourage right sized development that will truly not encroach on neighboring residents safety, quality of life and privacy. Our peaceful little neighborhood stands to add nearly 550 new residents within our very small 2-3 block area. The infrastructure and character of our neighborhood does not reflect a high density commercial corridor neighborhood and when we invested in our homes, we had no expectation that it could ever become so. I urge you to be concerned about our safety, well being and **our** investment and not the investment of developers and the monetary benefits to the town budget. The true cost of these developments to the town and its citizens will be much more than could be recouped in tax dollars. Infrastructure issues, traffic nightmares that will further drive away retail patronage.

Unfortunately your 'walkable' town is not going to be a reality for most of the town. Most citizens live far away from Maple and will always drive even if they are a mile away, like they currently do. But even they will pass by as they pack up the kids and head to an area where they can actually park the car and walk safely and in a pleasant surrounding. These projects are not inviting at all. they are not set back enough, they are too dense and offer too little parking. You could actually drive away people from this area as never before. It already has a bad reputation from traffic and related avoidance due to that fact.

For 380 Maple- If the town narrows Wade Hampton, the town has effectively given away a public street to a commercial developer. This has all been done to support his development and is a very poor business decision, it appears that the town is offering a proffer to the developer so that they can expand their footprint as large as possible. It is of no benefit to residents and in fact, would certainly create more of a nightmare.

Why has there not been a requirement of a traffic impact study? Are you unconcerned with public safety when it comes to commercial development? This is a very basic developer prerequisite.

The design will have a detrimental effect on Wade Hampton and our neighbor streets, in terms of safety and traffic. The developers renderings are hogwash, just as his claim that he 'has no idea' of what dollar range his units will sell for. I was happy to hear Mr Noble ask this, but not happy that he accepted a clear lie and clear dodge of his question. We know you are smarter than that. I suppose Mr. Rice has no idea of what his homes will sell for before building them and his investors give him blank checks without a business plan. Rubbish. It makes us not trust him at all. At all of the meetings we had with him, his attitude was that of "This is a done deal kids, suck it up" and the only thing he was willing to discuss was a back wall. I can see that he is very surprised and angry that it has taken this long for him to get this through.

Residents are getting the impression that the town is playing its own game and not aligning with state and

county laws, or even following best practices, given that there was a failure to notify the county on either the 444 Maple or 380 Maple project. Also, having the vote prior to the new council being seated. I have lived in many places and have never seen an instance where a lame duck governing body was allowed to vote on such an important decision. The recent election should show you the wishes of the citizens and you should respect that.

There are so many things wrong with the MAC and voting on this now or in favor of this sends the wrong message to developers and to the citizens that you represent.

I was talking to some kids from Madison high school at a grad party and I was surprised that they knew about a good deal of this. Some had voiced their opinions before the Council in opposition to 444 Maple. Their impression was that their voice meant nothing, since it was voted through and they clearly saw that most of the town was against it. I don't think that is a lesson we want to teach the next generation..

We are a town of people, neighborhoods and businesses. One that enjoys a nice reputation as a small town, yet is modern with great growth (smart) potential that will always attract investment. Its up to us to attract the kind of business and development we want and need and to offer incentives to do so that will truly serve its residents, keep the town vibrant and enhance and sustain our small town brand and vibe. That is what is worth more than MILLIONS.

Sincerely,
Nancy Logan

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead

Clark, Melanie

From: Michael Ahrens <ahrens.michael@gmail.com>
Sent: Sunday, June 9, 2019 9:40 PM
To: Bloch, Tara; Colbert, Linda; Mayor; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard
Subject: 380 Maple - potential vote on 6/17

Hi, Thank you again for the opportunity to attend mediation with the developer on potential changes to 380 Maple.

Since public comment is closing on 6/10, I wanted to reiterate that I feel it is inappropriate to vote on this project on 6/17. A reasonable amount of additional time should be granted to allow mediation to finish without being rushed to meet a Council vote. Further, Council should also still ask to receive detailed drawings from the Town staff and developer showing all of the movement that will happen on Wade Hampton near 380 Maple.

There are significant changes being proposed to Wade Hampton, such as narrowing the street, creating an additional turn lane, removing public parking, and forcing the movement of loading and unloading onto a side street. However, the developer and the Town have only showed the bare minimum of drawings for these changes. The drawings should depict cars parked on the street where legally allowed, pedestrians on the sidewalk, street center lines, cars queued to turn, trucks navigating the turns off of Maple, and trucks doing u-turns on Wade Hampton. All of this should be shown using real-world traffic movement, and validated to confirm it's safe and functional to vehicles, pedestrians, and bicycles prior to a vote.

-Mike Ahrens
207 Glen Ave SW

Clark, Melanie

From: Estelle Belisle <estellebelisle@msn.com>
Sent: Sunday, June 9, 2019 11:19 PM
To: Mayor; Bloch, Tara; Colbert, Linda; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard
Cc: Clark, Melanie
Subject: 380 Maple Avenue W and the Chick-fil-A carwash

Dear Madam Mayor and Council Members,

Despite citizens' concerns, little has been done since the start of the application review process to reduce the massive size of the proposed design for 380 Maple Avenue W.

We have architectural drawings for 380 Maple Avenue W but what will the proposed building actually look like? Our only point of comparison in Vienna is the MAC-zoned Chick-fil-A carwash. Let's compare heights first.

Chick-fil-A carwash	380 along Maple	380 along Glen
Second story: 47' Highest point: 62.1'	48' 54' maximum with parapets	52' (higher because of a grade change) 58' maximum with parapets

These figures give some idea of the relative heights of these two projects.

In addition, the applicant for 380 has provided relatively little open space over and above the required setbacks. His proposed building covers most of the lot. Sheet A1 of the final Architectural Drawings shows a 24-foot setback along most of the Maple façade. There's no denying that the carwash has shown us how narrow a 20-foot front setback can appear. In the case of 380, an additional four feet has been provided, thus making it possible to widen the sidewalk from four to eight feet. However, five pillars set back just 20 feet obstruct the widened sidewalk and the structure's upper floors, which have not been recessed, jut out over the extra sidewalk space. The only other additional open space provided by the applicant is some 10 to 13 feet more than the required 15-foot required setback on the Glen side. However, since that rear setback includes the bioretention area, an area not meant to be walked on, condo residents and the public are left with a "park" that is barely 10-feet wide.

The carwash is a mammoth building, with dimensions of approximately 192 by 273 feet. By comparison, 380 measures about 130 feet (126 on Maple and 137 on Glen) by 222 feet—still a very large building--and will sit on a site almost 30 percent smaller. Is Council prepared to approve yet another supersized building?

Regrettably, the applicant has shown little willingness thus far to listen to citizens' concerns and mitigate the proposed building's mass, especially on the Glen Avenue side directly across the street from single-family dwellings. At this stage, we can only hope that he will make some concessions as was done in the case of 444. Unless he does so, I would ask Council to consider the Town's best interests rather than the developer's and to vote no on this application.

Respectfully,

Estelle Belisle
200 Ceret Ct SW

Clark, Melanie

From: Carl Desmarais <carl@ocdcpa.com>
Sent: Monday, June 10, 2019 8:13 AM
To: Bloch, Tara; Colbert, Linda; Mayor; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard
Subject: 380 Maple

Dear Mayor and Town Council,

Below are my comments on the proposed development of 380 Maple Avenue for your consideration.

The proposed narrowing of Wade Hampton Drive from 36ft to 32ft will only serve to exacerbate the hazards of delivery vehicles executing constricted auto turn maneuvers in the face of forecast increased and congested traffic flow during busy hours. Wade Hampton needs all the 36ft. of its current width. This is already a dangerous street. The Chairman of the the Planning Commission, Michael Gelb, stated at a meeting that he was almost hit by a car while walking on Wade Hampton. I still don't understand how the entry/exit to the property is not on Maple Avenue as the MAC provisions require.

There is an inadequate number of auto/truck turn exhibits by vehicle type in the materials submitted. If Wade Hampton is narrowed and cars are on Wade Hampton trying to access Maple Avenue it would be very difficult for cars or trucks to turn onto Wade Hampton from Maple Ave.

Where are the required two traffic impact studies to give a direct opinion on the issue of safety?

Please consider and address the failure of Public Works to offer, and be asked to offer, their clear judgment on the safety of the building design and arrangements with respect to how they will affect traffic flow and congestion on Wade Hampton. This is despite numerous statements by the public drawing attention to the hazards for pedestrians, cyclists, wheel chair users and autos alike;

Given that the Town failed to notify Fairfax County of the 380 proposal within the time required by Law, has it advised Fairfax County of the proposal to narrow an already narrow intersecting street with one of the County's major thoroughfares?

The residents of the town have sent a very clear message with the last election that of the issues regarding these building developments must be fully address before any final approval.

I respectfully ask that you consider these points.

=====

Carl Desmarais

408 Roland Street

Vienna, VA 22180

cdesmarais@ocdcpa.com

Clark, Melanie

From: David Patariu <dpatriu@yahoo.com>
Sent: Monday, June 10, 2019 10:43 AM
To: Mayor; Council_Manager_Clerk
Cc: David Patariu
Subject: MAC application process issues re 380 Maple Avenue and Sunrise MAC applications

Mayor DiRocco and Town Council,

The following are comments on the MAC application process, and issues regarding what are commonly known as the the 380 Maple and Sunrise MAC applications.

First, for the 380 Maple MAC project, as of June 9, I don't believe the Town posted on its web site the updated proffer sheet received right before the June 3 Town Council meeting.

Here is a link to the meeting agenda details: [Town of Vienna - File #: 19-1295](#)

Below this text is an image of the meeting agenda available online, with only one item labeled "proffer"--it should have two if the June 3 revised version had been posted:

Details		Reports	
File #:	19-1295	Version: 1	Name:
Type:	Action Item	Status:	Passed
File created:	5/23/2019	In control:	Town Council Meeting
On agenda:	6/3/2019	Final action:	6/3/2019
Title:	Continuation of public hearing on rezoning of 374-380 Maple Avenue W from C-1 Local Commercial with ground floor retail and multifamily residential condominium units. AND Consideration of a re		
Attachments:	1. 380 Maple Ave West - Town Council Staff Report - 6-3-2019 , 2. 380 Maple Ave West - Existing Signed Proffer Statement - 6-3-19 , 5. 380 Maple Ave West - Reference - Wade Hampton ROW O Rezoning April 29, 2019 Public Hearing Follow Up , 8. 380 Maple Ave West - Town Council Staff R Concept Plan - Revised 5-13-19 , 11. 380 Maple West Revisions from 4-29-19 TC Public Hearing t West - Existing Conditions and Concept Plan - 4-29-19 Version , 14. 380 Maple Ave West - Archite Exhibit , 17. 380 Maple Ave West - Traffic Impact Study - Final , 18. 380 Maple Ave West - Traffic - MAC Incentives Checklist - 3-27-19 , 21. 380 Maple Ave West - Statement of Purpose and Inten 27-19 , 24. 380 Maple Ave West - Neighbor Contact Map - 3-27-19 , 25. 380 Maple Ave West - Co 27-19 , 27. 380 Maple Ave West - Planning Commission Memo - 4-12-19 , 28. 380 Maple Ave Wes 30. 380 Maple Ave West - Planning Commission Staff Report - 3-27-2019 , 31. 380 Maple Ave We reference only) - Architectural Drawings - Option 1 , 33. 380 Maple Ave West - PC Submission (fo Architectural Drawings - Option 2 , 35. 380 Maple Ave West - BAR Submission (for reference only Plan - Jan 2019		

And below is an image of the Proffer Statement item--from what I can tell no mention of thirty-seven units, or three storage units, or what was presented to the Town that I spoke about at the June 3 meeting and was shown on the screen to the audience at the public hearing:

1 of 5

37

Highlight all Match case Phrase not found

PROFFER S
380 MAPLE A
36,842 square

Rezoning: PF-58-18-MAC

Record Owner Red Investment, LLC

Applicant: Red Investment, LLC

Property: Parcel 0382-02-0025,
as shown on the Conce

Zoning: C-1 and RS-16 to Map

Project Name: 380 Maple

Date: **May 22, 2019**

The June 3 revised proffer is also not posted in the Agenda for the upcoming June 17 meeting:

[Help](#)

8 records Group Export

Name	Meeting Date ▾	31	Meeting Time	Meeting Location
Planning Commission	6/26/2019	31	8:00 PM	COUNCIL CHAMBER
Town Council Meeting	6/17/2019	31	8:00 PM	Charles A. Robin <i>Regular Meeting</i>
Board of Architectural Review Work Session	6/14/2019	31	8:00 AM	Vienna Town Hall <i>Work Session</i>
Planning Commission	6/12/2019	31	8:00 PM	COUNCIL CHAMBER <i>Regular Meeting</i>
Town Council Work Session	6/10/2019	31	7:30 PM	Charles A. Robin <i>Joint Work Session</i>
Board of Architectural Review Work Session	6/7/2019	31	8:00 AM	Vienna Town Hall
Board of Zoning Appeals	6/5/2019	31	8:00 PM	COUNCIL CHAMBER
Town Council Meeting	6/3/2019	31	8:00 PM	Charles A. Robin <i>Regular Meeting</i>

The revised proffer from just before the June 3 council meeting should be posted so that the public can evaluate the proffers and comment on their adequacy, merits, or deficiencies. To date (June 9) the revised proffers do not seem to have been made available to the public.

Second, residents did not have a chance to review the revised proffers submitted on June 3 right before the public hearing on the 380 Maple project. If they were not subsequently posted, I don't see how the Town of Vienna is meeting the spirit or letter of the law regarding public participation and the required hearings for a project--how can residents comment at a public hearing on MAC projects, or in writing during the written comment period, when information about the updated proffers is not made available? The prejudices both the applicant and the residents, as it deprives residents the opportunity to comment on the **adequacy, merits, or deficiencies of the proffers made by the developer.**

Third, regarding the comment during the June 3 meeting that is in summary--"aren't new proffers better"--just because revised proffers may be responsive to one or more council-members concerns, new proffers are not better when resident's don't have an opportunity to comment on them during public hearings. How can you know if "new" is actually "better" if you don't ask residents impacted by said development, or give residents and other council-members an opportunity to comment in a meaningful way?

Fourth, just because a developer has the right to submit proffers right before a town council meeting (another point made on June 3 by the Town's attorney in response to a question by Council-member Springsteen), shouldn't residents, council-members, and staff have adequate time to evaluate and comment on the revised proffers, or revised plans? What part of the law requires newly submitted or revised proffers, or plans, to be voted on in the same night, or without a public hearing? What is the point of a public hearing on proffers or plans that the public has not has a chance to evaluate prior to the public hearing? What under the law requires the Town Council to vote on proffers/materials submitted that day, or that evening? **These are the questions that needed to be answered on June 3 in response to Council-member Springsteen's concern**, and a MAC process developed that supports adequate time to evaluate and deliberate over newly submitted proffers or plans.

Fifth, by closing the public hearing on June 3 but extending the written comment deadline to June 10, the Town may have inadvertently exposed residents commenting in writing on this or other MAC projects to SLAPP litigation risk. It seems Virginia does not have a traditional [anti-SLAPP](https://www.virginiadefamationlawyer.com/virginias-anti-slapp-statute/) law, and only affords limited protections against claims of tortious interference for statements made at public hearings (<https://www.virginiadefamationlawyer.com/virginias-anti-slapp-statute/>) under [Va. Code 8.01-223.2](#). See the following excerpt in an article on this topic:

. . . [T]here is also a statutory qualified privilege in Virginia that immunizes statements made at public hearings from forming the basis for any claim for [business conspiracy](#) or [tortious interference](#). The statute is found at [Va. Code 8.01-223.2](#). The privilege applies to “statements made...at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body.”

On its face the statute seems to only allow immunity for comments made during a public hearing, so does a “written comment period” after the public hearing is closed meet that definition? I am not sure, but a plain reading of the statute indicates that there may be SLAPP risk in submitting any letter during the comment period, as the comment could be characterized as being outside of the public hearing period and thus not immune from claims of tortious interference or business conspiracy. The public hearing should be left open during the written comment period so that residents can be afforded the protection of [Va. Code 8.01-223.2](#) against such potential SLAPP claims. Perhaps the Town's attorney can look into this and examine this concern further to improve the MAC process? Just a suggestion.

Sixth, as I said during the public hearing on June 3, the public did not have a chance to speak on the materially revised plans submitted to the Board of Zoning Appeals (BZA) or the Planning Commission. I really doubt what occurred during the Sunrise approval process meets the spirit of the law requiring public hearings. For example, as soon as the public hearing was closed before the BZA on Sunrise, new plans were submitted by the Sunrise developer and staff that were materially different, eliminating almost half of the retail space. The BZA, instead of continuing the meeting and giving themselves or the public a chance to evaluate the newly submitted plans, voted and approved the conditional use permit without any public hearing on the new plans--all during the same meeting. This on its face seems improper, and subverted the public hearing before the BZA.

Additionally, the BZA voted on / issued a conditional use permit on new plans that the Planning Commission did not submit to them, and then the Planning Commission approved plans that were materially different than what the BZA had issued a conditional use permit for. How is any of this proper under the MAC approval process requirements? We already have problems with what is known as the Marco Polo / Vienna Market redevelopment and multiple sets of plans being in play (locally known as Marcopolo-gate). Why is the Town leadership allowing that same process mistake to be made again with the Sunrise MAC project? Allowing multiple, materially different plans to be submitted for approval at different stages of the MAC approval process (BAR, BZA, PC) is confusing and prejudices both the applicant and residents.

As I said at the June 3 hearing, there is a chronic process problem with these MAC applications, and history is repeating itself again where as with the 444 Maple Ave. project's final proffers, residents do not have an opportunity to comment on the proffers or plans, the Town Council is voting on.

On 380 Maple, I urge you to correct this process, post the June 3 revised proffers for the 380 Maple Ave project, and extend the public hearing on 380 Maple to allow for comments from residents on the proffers and project you are voting on.

On Sunrise, I suggest that you send the final plans back to the Planning Commission so that a public hearing can be had at that stage of the process, then to the BZA for a conditional use permit on the set of plans before the Town Council now. After that process is complete, the Sunrise application will be ready for a vote by the Town Council. The requirement for meaningful public hearings must be honored. To date, I don't believe it has before the BZA or the Planning Commission on the materially revised Sunrise plans that are now before the Town Council.

Thank you for your time and consideration.

Sincerely,

- David N. Patariu

Resident and homeowner, Vienna, Virginia

Clark, Melanie

From: Sheila Mclean <sheilamcln1@gmail.com>
Sent: Monday, June 10, 2019 11:48 AM
To: Mayor
Subject: 380 Maple

Dear Mayor:

I am writing as a neighbor of 380 Maple to urge you to vote no on the rezoning and development proposal before you due to significant safety concerns. I am particularly concerned about the narrowing of Wade Hampton drive while you're adding additional traffic congestions from 380 and 444. Wade Hampton and Glen are already extremely dangerous streets with hairpin turns and poor visibility. I walk these streets everyday and our neighbors kids are at a bus stop on Glen right after the hairpin turn. My dog has already been hit once by a car coming around the Wade Hampton curve onto Roland. I am very concerned that delivery trucks, combined with increased traffic volume is going to make this even worse and despite our repeated requests for the developer to address these concerns they have been ignored.

Thank you for your consideration.

Sheila McLean
416 Millwood Ct. SW
Vienna, VA 22180

--

Sheila McLean
202-595-5958 (c)

Clark, Melanie

From: Estelle Belisle <estellebelisle@msn.com>
Sent: Monday, June 10, 2019 1:53 PM
To: Mayor; Bloch, Tara; Colbert, Linda; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard
Subject: Correction: 380 Maple Avenue W and the Chick-fil-A carwash

Dear Madam Mayor and Council Members,

After looking at Sheet A1 of the Architectural Drawings again, I'd like to make a correction to the sentence I've highlighted below. The pillars that are set back 20 feet are located in the open space in front of the building. They do not obstruct the widened sidewalk. And the structure's upper floors, while not recessed, do not jut out over the sidewalk but rather over the open space.

I apologize for the mistake. The drawings are sometimes difficult to decipher online. Thank you.

Respectfully,

Estelle Belisle
200 Ceret Ct SW

From: Estelle Belisle
Sent: Sunday, June 9, 2019 11:19 PM
To: mayor@viennava.gov; Tara Bloch; linda.colbert@viennava.gov; pasha.majdi@viennava.gov; Noble, Douglas; Sienicki, Carey; hspringsteen@viennava.gov
Cc: MClark@viennava.gov
Subject: 380 Maple Avenue W and the Chick-fil-A carwash

Dear Madam Mayor and Council Members,

Despite citizens' concerns, little has been done since the start of the application review process to reduce the massive size of the proposed design for 380 Maple Avenue W.

We have architectural drawings for 380 Maple Avenue W but what will the proposed building actually look like? Our only point of comparison in Vienna is the MAC-zoned Chick-fil-A carwash. Let's compare heights first.

Chick-fil-A carwash	380 along Maple	380 along Glen
Second story: 47' Highest point: 62.1'	48' 54' maximum with parapets	52' (higher because of a grade change) 58' maximum with parapets

These figures give some idea of the relative heights of these two projects.

In addition, the applicant for 380 has provided relatively little open space over and above the required setbacks. His proposed building covers most of the lot. Sheet A1 of the final Architectural Drawings shows a 24-foot setback along most of the Maple façade. There's no denying that the carwash has shown us how narrow a 20-foot front setback can appear. In the case of 380, an additional four feet has been provided, thus making it possible to widen the sidewalk from four to eight feet. However, five pillars set back just 20 feet obstruct the widened sidewalk and the structure's upper floors, which have not been recessed, jut out over the extra sidewalk space. The only other additional open space provided by the applicant is some 10 to 13 feet more than the required 15-foot required setback on the Glen side. However, since that rear setback includes the bioretention area, an area not meant to be walked on, condo residents and the public are left with a "park" that is barely 10-feet wide.

The carwash is a mammoth building, with dimensions of approximately 192 by 273 feet. By comparison, 380 measures about 130 feet (126 on Maple and 137 on Glen) by 222 feet—still a very large building--and will sit on a site almost 30 percent smaller. Is Council prepared to approve yet another supersized building?

Regrettably, the applicant has shown little willingness thus far to listen to citizens' concerns and mitigate the proposed building's mass, especially on the Glen Avenue side directly across the street from single-family dwellings. At this stage, we can only hope that he will make some concessions as was done in the case of 444. Unless he does so, I would ask Council to consider the Town's best interests rather than the developer's and to vote no on this application.

Respectfully,

Estelle Belisle
200 Ceret Ct SW

Clark, Melanie

From: Cyrus John Pott <johnpott@gmail.com>
Sent: Monday, June 10, 2019 2:27 PM
To: Sienicki, Carey; Noble, Douglas; Springsteen, Howard; Mayor; Colbert, Linda; Majdi, Pasha; Bloch, Tara; Clark, Melanie; Petkac, Cindy; D'Orazio, Michael; Gallagher, Michael
Subject: 380 Maple W's Safety Impact on Wade Hampton Drive

Honorable Mayor and Town Council Members,

It would be premature to vote on June 17, given the unanswered safety issues that still remain from trying to put a building as massive as the proposed 380, on a small street the size of Wade Hampton

Most worrisome is the so far unexplained decision to narrow Wade Hampton from 36 feet to 32 feet, with the land on which 380 sits benefitting from all of the four-foot reduction. Equally worrisome is how this reduction was justified and the process by which its authorization was given by Town staff, in particular, if it involves the disposal of public land.

The applicant's own Consultants forecast significantly increased traffic volumes and congestion on the street at peak hours and the one auto turn diagram exhibited predicates substantial interference by delivery trucks with the free flow of traffic. The safety of pedestrians and wheel chair users is clearly placed at increased risk with the narrowing of the street.

The Maple Nutley interchange already handles more peak hour traffic than any other in Town. The amount of construction proposed in this the southwest quadrant of Town and the additional traffic it will generate threatens to overwhelm the obvious alternative cut through routes of Wade Hampton and Roland/Glen with increased traffic at peak hours.

The Planning Commission in its report to Council on 380 stated that "there is no way to know the actual impact on traffic if the application is approved". If that is the case, then it is clearly prudent planning to leave the width of Wade Hampton as it is.

I believe the assertive step of narrowing Wade Hampton, clearly contrary to the wishes of citizens, would be ill advised. This would apply particularly, should a serious accident arise on Wade Hampton when the design of the building and its streetscape might be deemed too narrow for safety.

Please refrain from voting until all due diligence has been applied and the safety issues associated with the proposed design and its accompanying streetscape have been resolved.

It would be hurriedly capricious to proceed with a vote of approval on June 17 knowing that additional study, analysis, and work on the several unresolved safety issues raised through public comment could yield a safer street for current nearby residents, the developer and the future residents of 380 Maple.

Sincerely,
C. John Pott,
134, Wade Hampton Drive,
Vienna, VA 22180
Tel. 703-242-2737
johnpott@gmail.com,

Clark, Melanie

From: Shelley Ebert <shelleyebertva@gmail.com>
Sent: Monday, June 10, 2019 2:32 PM
To: COUNCIL
Subject: Proposal for 380 Maple West

Councilmembers and Mayor -

I am writing to express support for my neighbors who are most impacted by the proposal for 380 Maple West. I feel that this proposal needs significant changes to the loading dock set-up, reductions to the height at the rear of the building, and notable increases in proffers to fully address the safety concerns that will be amplified on Wade Hampton. Without these changes, I would ask you not to vote in favor of this project.

Thank you.

- Shelley

Clark, Melanie

From: sharon pott <f6g6pott@yahoo.com>
Sent: Monday, June 10, 2019 2:37 PM
To: Colbert, Linda; Mayor; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard; Bloch, Tara
Subject: Proposed rezoning of 380 Maple Ave.

I am seriously concerned about the safety issues that would arise if the design for 380 Maple goes ahead as planned.

It seems to me that it would be extremely unwise to permit all traffic, foot, vehicular, delivery, garbage to enter and exit across such a narrow spot onto our short road, Wade Hampton Drive.

It has to be reconsidered in light of the expected increased activity on Wade Hampton from the new project at 444 Maple Avenue.

I also feel that that the developer has not honestly considered the wishes of nearby neighbors as he has made no substantial concessions regarding a compatible transition in design from commercial to residential at the rear of the building. The current design is overbearingly large.

I would feel utterly betrayed by Vienna's Town Council if this development is passed as planned. It clearly does not take seriously the well being either of the users of Wade Hampton or the residents whose lives would be impacted.

Sincerely
Sharon Pott,
134, Wade Hampton Drive,
Vienna VA 22180

Clark, Melanie

From: Nancy Logan <njlogan1029@gmail.com>
Sent: Monday, June 10, 2019 3:05 PM
To: Majdi, Pasha; Bloch, Tara; Noble, Douglas; Colbert, Linda; Mayor; Springsteen, Howard
Subject: Fwd: 380 Maple

Carey was kind enough to correct my missing the traffic study by the company favored by our Town Council and Developers. Please see my further comments below in this regard.

Many thanks!

Nancy

----- Forwarded message -----

From: **Nancy Logan** <njlogan1029@gmail.com>
Date: Mon, Jun 10, 2019 at 2:58 PM
Subject: Re: 380 Maple
To: Sienicki, Carey <CSienicki@viennava.gov>

Thank you Carey for pointing this out.. I did see these and forgot that they were also for 380, as I did expect a different company that would have a more transparent overview and possibly shed new information, but I realize that was of course not the intent here. I also meant to add that their glaring lack of opinion on the issue of safety. I also do not think the developers and town should use one company exclusively and jointly for true independent traffic studies. To find that minimal impact will result from some 500 new residents within a 1 block area, is ridiculous. I sent this to a traffic study to a friend who works in transportation management in CA and he said it was clearly a typical developer-sided outcome by design. He did indicate that the basic TIS's are beginning to transform since they are not very reliable and much of the traditional methodology is outdated and not accurate. He also noted that this methodology of TIS is for an urban area and not an appropriate measurement and reflection application for residential streets since it allows traffic far in excess of that which is conducive to a safe and enjoyable neighborhood atmosphere. They completely avoided the safety issue of existing and future conditions. They also don't indicate that they specifically are accounting for development in Tyson's and Oakton and Vienna and areas of Fairfax near Metro. One just needs to try and cross over WH over maple onto Lewis St or try a left turn onto Maple to see how dangerous and how long it can take to see this is not a real life scenario traffic study. Please come to the neighborhood and try to take a left out of WH or go across Maple onto Lewis street. The study does show very bad conditions at the major intersections and that they will indeed grow worse. One can reasonably expect this to be even more critical when the other projects are developed along Maple as well as those in surrounding communities. This all greatly affects our neighborhoods. Studies show that over 55% of pedestrian-vehicle related fatalities occur on neighborhood streets. If this is also approved without changes, the town council will be sealing our fate, turning a once quiet neighborhood street into a noisy, air and light polluted **danger zone**. In this case, no neighborhood is safe within the town of Vienna.

A basic safety analysis would be expected to proceed as follows:

- Review historic crash data for potential trends and concerns
- Compare calculated crash and severity rates against national or local rates
- Calculate future crashes, including crash and severity rates, with forecasted traffic volumes

- Compare future rates against average and critical rates for potential issues
- Determine if improvements are necessary either for existing or future issues

Other Considerations:

Economic health: Severe congestion reduces economic health and growth.

Environment: More traffic congestion, more pollution-air and water- chaos to life and the nearby Chesapeake watershed and storm water flow drains all along the corridor.

The town should consider charging impact fees to all new developments proposed (allowable under VA law). These funds would cover many municipal needs including infrastructure, water-sewer, and other community needs. The 'proffers' so far received are so minimal and even being presented as proffers when they are not. While one often hears that new development is needed to bolster the local economy, it is rare to see the other side of the balance sheet showing for each dollar added how much is lost due to wasted time along with health impacts, reduced property value, etc.

Best,

Nancy Logan

On Mon, Jun 10, 2019 at 9:39 AM Sienicki, Carey <CSienicki@viennava.gov> wrote:

Ms. Logan,

Thank you for your comments for consideration of the 380 Maple Avenue proposal.

Two traffic studies can be found on the 6/3/19 Council agenda: <https://vienna-va.legistar.com/LegislationDetail.aspx?ID=3967027&GUID=FF88EBC7-8856-459F-9C39-B1B8260E562C>

Please let me know if I can assist you further (or if you need additional/have difficulty accessing material),

Carey Sienicki, Councilmember

Town of Vienna

127 Center Street, South

Vienna, VA 22180

www.viennava.gov

From: Nancy Logan <njlogan1029@gmail.com>

Sent: Sunday, June 9, 2019 9:29:54 PM

To: Mayor

Cc: Bloch, Tara; Colbert, Linda; Sienicki, Carey; Majdi, Pasha; Noble, Douglas; Springsteen, Howard; Council_Manager_Clerk

Subject: 380 Maple

Dear Mayor and Vienna Town Council members,

We would like to forge a pathway ahead to smart, sustainable development that is good for the town, its residents, businesses and visitors. Growth and development that truly meets our current and future needs while protecting the intrinsic value, character and quality of life that it currently possesses. While we failed to accomplish this with 444 Maple, we do hope that we can learn from this and encourage right sized development that will truly not encroach on neighboring residents safety, quality of life and privacy. Our peaceful little neighborhood stands to add nearly 550 new residents within our very small 2-3 block area. The infrastructure and character of our neighborhood does not reflect a high density commercial corridor neighborhood and when we invested in our homes, we had no expectation that it could ever become so. I urge you to be concerned about our safety, well being and **our** investment and not the investment of developers and the monetary benefits to the town budget. The true cost of these developments to the town and its citizens will be much more than could be recouped in tax dollars. Infrastructure issues, traffic nightmares that will further drive away retail patronage.

Unfortunately your 'walkable' town is not going to be a reality for most of the town. Most citizens live far away from Maple and will always drive even if they are a mile away, like they currently do. But even they will pass by as they pack up the kids and head to an area where they can actually park the car and walk safely and in a pleasant surrounding. These projects are not inviting at all. they are not set back enough, they are too dense and offer too little parking. You could actually drive away people from this area as never before. It already has a bad reputation fro traffic and related avoidance due to that fact.

For 380 Maple- If the town narrows Wade Hampton, the town has effectively given away a public street to a commercial developer. This has all been done to support his development and is a very poor business decision, it appears that the town is offering a proffer to the developer so that they can expand their footprint as large as possible. It is of no benefit to residents and in fact, would certainly creatie more of a nightmare.

Why has there not been a requirement of a traffic impact study? Are you unconcerned with public safety when it comes to commercial development? This is a very basic developer prerequisite.

The design will have a detrimental effect on Wade Hampton and our neighbor streets, in terms of safety and traffic. The developers renderings are hogwash, just as his claim that he 'has no idea' of what dollar range his units will sell for. I was happy to hear Mr Noble ask this, but not happy that he accepted a clear lie and clear dodge of his question. We know you are smarter than that. I suppose Mr. Rice has no idea of what his homes will sell for before building them and his investors give him blank checks without a business plan. Rubbish. It makes us not trust him at all. At all of the meetings we had with him, his attitude was that of "This is a done deal kids, suck it up" and the only thing he was willing to discuss was a back wall. I can see that he is very surprised and angry that it has taken this long for him to get this through.

Residents are getting the impression that the town is playing its own game and not aligning with state and county laws, or even following best practices, given that there was a failure to notify the county on either the 444 Maple or 380 Maple project. Also, having the vote prior to the new council being seated. I have lived in many places and have never seen an instance where a lame duck governing body was allowed to vote on such an important decision. The recent election should show you the wishes of the citizens and you should respect that.

There are so many things wrong with the MAC and voting on this now or in favor of this sends the wrong message to developers and to the citizens that you represent.

I was talking to some kids from Madison high school at a grad party and I was surprised that they knew about a good deal of this. Some had voiced their opinions before the Council in opposition to 444 Maple. Their impression was that their voice meant nothing, since it was voted through and they clearly saw that most of the town was against it. I don't think that is a lesson we want to teach the next generation..

We are a town of people, neighborhoods and businesses. One that enjoys a nice reputation as a small town, yet is modern with great growth (smart) potential that will always attract investment. Its up to us to attract the kind of business and development we want and need and to offer incentives to do so that will truly serve its residents, keep the town vibrant and enhance and sustain our small town brand and vibe. That is what is worth more than MILLIONS.

Sincerely,
Nancy Logan

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead

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Town of Vienna, Virginia 2015

Website: <http://www.viennava.gov>

Facebook: <http://www.facebook.com/TownofViennaVA>

Twitter: <http://www.twitter.com/TownofViennaVA>

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Nancy Logan

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Nancy Logan

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead

Clark, Melanie

From: jhuleatt@cox.net
Sent: Monday, June 10, 2019 3:36 PM
To: Bloch, Tara; Colbert, Linda; Mayor; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard
Cc: melanie.clark@viennava.gov
Subject: Comments for consideration prior to the Town Council Meeting on June 10, 2019

Town Council Members,

Please consider our concern that you may prematurely vote in favor of the 380 Maple Ave MAC rezoning request tonight. We believe that such a vote at this time would occur prior to the adequate resolution of the safety issues that the present design of the building imposes on Wade Hampton Drive. Mere statements that the safety issues raised by the public will be taken care of without concrete design changes in the building design and Wade Hampton Drive should not be accepted by the Town Council. We are concerned what the MAC approval process implications of such a vote will be without these concrete safety resolutions?

The current Wade Hampton to Glen intersection and Glen bend, as well as the Wade Hampton to Roland bend represents existing points of safety concern for both pedestrians and vehicles. The proposal to narrow Wade Hampton Drive from 36 ft. to 32 ft. is a mistake. A narrowed street will only increase the hazards of delivery vehicles executing constricted turn maneuvers with an increase in forecasted increased and congested traffic flow during busy hours. Wade Hampton needs all the 36ft. of its current width. Very few streets that intersect Maple Ave in Vienna are 32 ft. wide. We are also concerned with the inadequate number of auto/truck turn exhibits by vehicle type in the materials submitted by the developer to the town. We are further concerned that the Planning and Zoning staff are not requiring the two traffic impact studies to give a direct opinion on the issue of safety issues related to the 380 Maple Ave. project. Further Public Works has failed to offer or has never even been asked to offer their opinion on how the safety of the building design, the proposed street narrowing and all of the curb cuts on Wade Hampton Drive will affect traffic flow and congestion on Wade Hampton. All of these shortcomings have not been addressed by the Town of Vienna and its staff, despite numerous statements by the public drawing attention to the hazards for pedestrians, cyclists, wheelchair users and cars.

The likely increase in cut through traffic, resulting from this project, both residential and business, combined with the impact of delivery vehicles having to maneuver through this area raises the safety risk significantly. The traffic flow into and out of this structure, particularly for those visiting the retail spaces, could lead some to see street parking as preferable to negotiating the parking lot, particularly if trucks are maneuvering into and out of the lot. With the proposed changes to Wade Hampton which eliminate the current street parking, parking in the residential area will be the only alternate option.

Our concern continues to be neighborhood compatibility as set forth in the MAC rezoning requirements and what those who developed the MAC originally intended. The original visual renderings convey style and density that seems to address many of the concerns about neighborhood compatibility that is absent in this and other proposals that have been put forth. It appears that the original vision has been significantly altered and is no longer in synch with what the originators intended. Our hope is that the Town Council considers the original vision before setting precedents that result in mammoth structures that seriously impact resident and visitor safety and the overall appeal of the Town of Vienna.

Please do not vote on the 380 Maple Ave project tonight until the above issues are concretely resolved.

Thank you for your service.

William and Jayme Huleatt
413 Roland Street, SW, Vienna, VA

Clark, Melanie

From: Shelley Ebert <shelleyebertva@gmail.com>
Sent: Monday, June 10, 2019 4:54 PM
To: COUNCIL
Subject: Sunrise Assisted Living Proposal
Attachments: IMG_20190606_2234365.jpg

Councilmembers and Mayor -

During public comment, a Vienna resident stated that he witnessed employees of Sunrise in Oakton/Hunter Mill exiting through a "hole in the fence" (presumably to park.) However, the situation is actually a bit more notable.

I attached a photograph I took last Friday night around 10:30 PM. As you can see here, what is going on at that location is quite a bit more than a hole in the fence. Sunrise has constructed their fence with a gate. They have also put in a paved path on both sides of the fence - that continues right up to the pavement for Giant's lot. Finally, this set-up is complete with full nighttime lighting.

Despite the mediocre quality of the picture, the point is clear. Overflow parking at Sunrise in Oakton is a routine practice rather than an occasional exception. There is no other logical explanation as to why such a set-up exists. For reference, the Hunter Mill location cites 75 units compared to the proposed 82 units in Oakton and is parked at 0.49, compared to our proposed 0.51. (This slight increase has only given us two additional spaces.)

I do actually like Sunrise quite a bit. I have attended all but one Sunrise meeting in Town Hall; I missed a BAR work session where the agenda was released late. I have visited several Sunrise facilities over the last few months - at various times of day. I have attended both community meetings held by Sunrise and the second (more heavily attended discussion) was actually scheduled per my suggestion to their team. I have been researching assisted living quite extensively and I've spent many hours on the phone with Sunrise's developer on several occasions. I do like them quite a bit and I agree that assisted living would be a great addition to Vienna.

However, this parking situation is dire. It has improved slightly (from the original 0.4 figure that then had an addition 1.25 MAC incentive reduction) to the 0.51 figure where we find ourselves today. Nevertheless, it is still inadequate. Sunrise claims parking will only be an issue for special events and holidays. Ironically, "special events" are practically an everyday occurrence - as that is part of what makes Sunrise such a nice place for the residents. From youth chorus groups to volunteer activities, Sunrise is constantly inviting the community in to their facility. I have attended some of those events with my daughter and I can assure you that the Oakton location openly advertises the overflow parking option at Giant.

During the Planning Commission meetings, it was mentioned that there are occasionally empty spaces in their lot at busy times. This was seen by many to be an indication of sufficient capacity for vehicles. I disagree with this interpretation. Since routine visitors and employees know to park at Giant first, some never enter the Sunrise lot with their car. Unfortunately we do not have an adjoining overflow lot to offer Sunrise. Instead, small businesses will be left to pay the price for poor planning. When someone wants to pick up a cup of coffee or a sandwich and there is no place to park, they often go elsewhere. When someone makes a trip to the center of Vienna to visit a relative or to go to work, they will find a place to park.

I realize MAC does not contain density caps and, if so, they likely would not apply in the case of assisted living. However, in many ways the number of parking spaces has served as an unofficial ceiling on density with all these applications. When we let a developer tell us what their parking ratio should be, we remove that limitation. As a result, we put them in a position where they would, logically, try to fit as much as possible in the space. This is how we end up with incredibly small bicycle spaces crammed in the side of the lower level of a parking lot (where only users of smaller traditional bikes would be able to maneuver up/down a busy parking ramp to utilize the space.)

In conclusion, while I would like to see Sunrise in Vienna, I think you all have quite a bit of work to do before this project is right for Vienna. I would suggest asking Sunrise to make a more drastic cut to the number of beds in the facility. Removing all of the retail would also be a possibility. Although one cannot ignore that such a decision would impact the vibrancy of the downtown area.

Thank you.

- Shelley

Clark, Melanie

From: John Schnittker <schnittkerjm@gmail.com>
Sent: Monday, June 10, 2019 9:19 PM
To: Bloch, Tara; Colbert, Linda; Mayor; Majdi, Pasha; Noble, Douglas; Sienicki, Carey; Springsteen, Howard
Subject: 380 Maple Ave

Mayor and Council Members

I live at 240 Glen Ave SW and oppose the present form of the proposed residential/retail building now under consideration. My concerns are rooted in three areas, the scale of the building is inappropriate, taking up nearly the entire lot, the rear of the building towers over Glen Ave and the neighborhood, changing the very character of our neighborhood, and traffic and safety will be compromised.

The proposed building should be scaled back, and setbacks and insets especially in the rear reevaluated. Neighborhood compatibility for this and future projects needs to be addressed more comprehensively under the MAC revisions now under consideration.

Glen Ave SW is surprisingly still little more than a country lane. There are no sidewalks, and traffic is very light, often just a few cars per hour. When we take walks, we walk along the edge of the street, just as school children and parents do when they go to and from the school bus stop across the street from our home. Traffic issues and safety will need to be addressed more comprehensively under this and any revised proposal for 380 Maple.

Given the strong community opposition to this proposal in its present form, the ongoing moratorium/revision of the MAC, the overwhelming results of the recent town council elections it would be prudent to either reject this proposal in its present form or allow the new town council

configuration to make this decision. The existing MAC guidelines should not be the determining factor for approval of this project. Vienna needs to get it right this time.

John Schnittker
240 Glen Ave SW
Vienna, Va 22180