



# STAFF REPORT COVER SHEET

August 24, 2022

ATTACHMENT 01

<b>Address:</b>	301 Maple Avenue W	<b>Case Number:</b>	PF-828087-SP
<b>Public Meeting Date:</b>	8/24/2022	<b>Applicant:</b>	Kim Luu-Tu of White Oak Tower Office Condominium Association
<b>Board/Commission:</b>	Planning Commission	<b>Owners:</b>	White Oak Tower Office Condominium Association
<b>Existing Zoning:</b>	C-1A	<b>Existing Land Use:</b>	Office
<b>Brief Summary of Request:</b>	Request for recommendation by the Planning Commission to the Town Council on the application to modify conditions of approved site plan related to parking reduction modification permitted with limitation of 50% of building allowed to be used for medical office.		
<b>Site Improvements:</b>	No improvements are proposed.		
<b>Size of Property:</b>	58,804 square feet/1.35 acres		
<b>Public Notice Requirements:</b>	One sign posted along Maple Ave W on August 4, 2022 with dates of Planning Commission meeting and Town Council hearing.		
<b>Brief Analysis</b>			
<p><b>PROPERTY HISTORY</b></p> <p>The subject site is approximately 1.35 acres. The subject parcel does not directly abut either Maple Avenue W, or Pleasant Street NW, but is afforded public street access through two separate ingress and egress easements. The 65-foot-tall White Oak Tower building, developed in 1977, has the distinction of being Vienna’s tallest building.</p> <p><b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b></p> <p>Objective 4 of the Land Use section of the Comprehensive Plan (Page 40) is to maintain and strengthen the Central Business District within existing boundaries. One implementation strategy is to encourage mixed-use development for sites zoned for commercial uses. Staff believes that allowing the building to use its office space in accordance with market demand, for permitted uses, will promote long-term economic viability of this mixed use building by maintaining a low vacancy rate.</p> <p>The Comprehensive Plan also states that “the Town’s parking ordinance for commercial areas should be re-examined to foster more efficient use of available parking.” (Page 27) The current parking standards do not take into account how parking demand can vary based on the mix of uses and the peak activity times for those uses that share a parking area.</p>			

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## COMPATIBILITY WITH THE ZONING ORDINANCE

The parking standards in Section 18-130 support the applicant's request to remove the restriction to the percentage of square footage that may be used by medical offices. There is no separate parking standard for medical office.

### Attachments:

- 01 – Staff Report
- 02 – Staff Presentation
- 03 - Application and Authorization
- 04 - Letter Requesting Modifications
- 05 - Parking Utilization Summary – March-April 2022
- 06 - Offices Survey 3.31.2022
- 07 - Historic Aerials 2003-2022
- 08 - Minutes from March 21, 2022 Town Council Meeting
- 09 – 2005 Approved Site Plan
- 10 - Minutes from 2005 Town Council and Planning Commission meetings and Planning Commission memo to Town Council
- 11 - White Oak Tower Medical Use Occupancy Chart
- 12 - Relevant Code Sections

### Author:

Kelly O'Brien, AICP, CZA, Acting Deputy Director

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ITEM NO. 1:

Recommendation by the Planning Commission to the Town Council on the application to modify the current limitation related to required parking in the C-1A, Special Commercial zone on property located at 301 Maple Avenue, West. Application filed by Kim Luu-Tu of White Oak Tower Office Condominium Association.

***Recent Application and Re-Submission***

As many of you will remember, this application was reviewed by the Planning Commission on February 23, 2022, during which the Planning Commission unanimously recommended approval to the Town Council. The Town Council, by a vote of 3-4, denied the application on March 21, 2022, with the caveat expressed by some Council members that additional information on parking be provided if the applicant were to return with a new application.

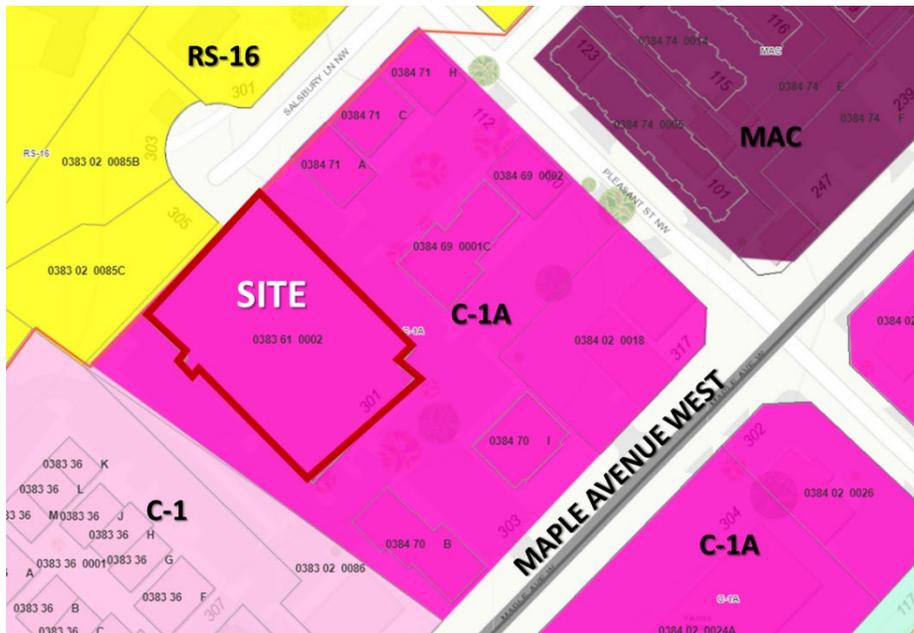
The Town Code does not include any time limit or language stipulating that an applicant is not able to resubmit for a site plan modification. Per Robert's Rules of Order, by which the Town Council meetings are conducted, the application may be reviewed if the supporting information is different or additional information is provided in support of the application. The applicant has resubmitted with the additional information requested by the Town Council at the March 21, 2022 meeting. As with the prior application, the Town Council may review the application only after review and recommendation by the Planning Commission.

***Introductory Comments & Background:***

The subject site, White Oak Tower, is located at 301 Maple Avenue, West; and, at 65 feet in height, it has the distinction of being Vienna's tallest building. The 48,323-square-foot building (gross floor area), and associated parking structure, was developed in 1977. Soon after the project was completed, seemingly as a response to the development, the Town revised the zoning code to reduce the maximum building height in the commercial zones and to increase the minimum required number of parking spaces for commercial buildings (an increase from 4 to 5 spaces per 1,000 square feet of gross floor area except stairways and elevator shafts).

The subject property is zoned C-1A. The size of the parcel is 58,804 square feet or 1.35 acres and is situated at the rear of a 6-parcel site that is known, collectively, as the "301 Maple West Complex." The subject parcel does not directly abut either Maple Avenue, West, or Pleasant Street, NW, but is afforded public street access through two separate ingress and egress easements. The 45,181-square-foot (net floor area) existing building sits on a footprint that is 128.7 feet in width by 90.2 feet in depth. The combination of the building's height and its ground level being higher than other parts of the Maple Avenue corridor make the building have a prominent position in the Town skyline.

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*Figure 1 – Zoning Map with highlighted site location.*

In 2005, Trimark VCP, LLC, proposed to convert the entire 6-story building into office condominiums. In the conversion of any property to condominiums, Section 18-208.1 of the Town Code requires that the subject property must conform to all applicable zoning, site plan and subdivision ordinances of the Town. Between 1977, when the building was originally constructed, and 2005, the Town of Vienna had made changes to its zoning requirements, as described below. The Planning Director and Town Attorney determined that the site plan modification process (§18-256:257 of the Town Code) would be the correct course of action to address existing nonconformities.

To bring the site into compliance, the owner at the time requested five site plan modifications: (1) To allow the minimum dimension of a parking space to be 8 ½ by 18 feet; (2) Reduction of the required number of off-street parking spaces to 183; (3) Reduction of the 5 foot side yard parking setback ; (4) Reduction of loading space area; and (5) Reduction in the widths of ingress/egress at the street right-of-way line.

Prior to the development of this building, the Town Code specified one parking space for every 200 square feet on the first floor and one space for every 300 square feet on all upper floors. All mechanical areas, toilet rooms, stairs, elevators, corridors and janitor’s closets were exempted from this requirement). In 1977, an emergency ordinance revision deleted the upper floor square footage differential and all exceptions except for stairs and elevators. As a result, required parking (if constructed at the time of conversion to condominiums in 2005) would be 226 off-street spaces as opposed to the 153 spaces required when the building was built. As shown on the Lot Identification Diagram in

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Attachment 5 – Parking Utilization Summary, a total of 183 parking spaces are provided, in a structure below the building, surface spaces adjoining the parcel, and a two-level deck behind the building.

During the Planning Commission meetings on the proposed modifications in 2005, there were discussions about the average number of employees, how many office units would be provided per floor, whether the on-site parking could be restricted, and whether uses could be restricted. The Planning Director at the time referenced Section 18-72A(1)( e) that states office buildings shall be occupied solely for professional use for the administrative activities accessory to other and professional uses. Some Planning Commissioners were concerned that medical offices were a more intense use than standard offices because of the patients coming to the site. Ultimately the Planning Commission recommended that the Town Council deny the request for the parking modification.

At the Town Council hearing, the applicant agreed to include conditions that no retail or restaurants would be permitted, and that medical office use would be limited to 50% of the total building square footage excluding stairs and elevators. These conditions were also incorporated into the condominium documents. The motion for the reduced parking failed at the June 20, 2005 Council meeting by a vote of 4 to 3. At the July 11, 2005 Council meeting, one of the council members who had voted against the parking modification requested to reconsider the waiver after reviewing the item in more detail and discussions with the Town Attorney about State Code. A second vote on the request resulted in a 4 to 3 vote to approve the reduced parking with certain stipulations for retail, restaurants, and medical offices. See Attachment 10 – Minutes from 2005 Town Council and Planning Commission meetings.

After the condominium conversion and site modifications were approved, the process for approval of certificates of occupancy from the Town included updating a chart tracking the percentage of medical offices in the building. The calculations are based on the net area of the building excluding stairs and elevator for a total of 45,181 square feet, of which 22,591 square feet may be used for medical offices. In October 2021, the amount of medical use square footage was 49.66% with only 152 square feet remaining. See Attachment 11 – White Oak Tower Medical Use Occupancy Chart.

The applicant requested to remove the 50% medical office limitation on the parking modification in February 2022. The Planning Commission, at the February 23, 2022 meeting, recommended approval to Town Council of the modification of requirement to eliminate the 50% medical office restriction related to the parking modification, with a vote of 7-0 in the affirmative. The request failed at the March 21, 2022 Town Council meeting by a vote of 3-4. The minutes from that meeting are included with this report as Attachment 8. Some of the Council members made a request to the applicant that, if they

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were to return for a second application and review, they should include a parking study completed by professionals; and that the study should include observations by floor levels over a week of consecutive days, and information including five observations per day at 9:00 AM; 11:00 AM; 1:00 PM; 3:00 PM; and 5:00 PM.

### *Current Proposal:*

The applicant is requesting to remove the 50% medical office limitation. As shown in Attachment 11, the building is currently at 49.66% medical use. As a result, current medical-office tenants are not able to expand, and no new medical tenants can be added.

No other building in the Town of Vienna has a restriction on the percentage of medical use. The applicant stated that the existing medical practices in the building are not all open on the same days during the week and some are closed 1-2 days during the week. The applicant has supplied a survey of the staff and customers for each business to show the total number of vehicles on site throughout the week, shown in Attachment 6 – Offices Survey 3.31.2022. The Parking Utilization Summary, included as Attachment 5, indicates that the peak time where the most spaces are used is 5:00 PM. During the two-week period of data provided, there was no time in which no spaces were available. At peak use, 10% (or 18 spaces) were available.

Town Council expressed concern about basing their decision on parking counts taken during COVID times that likely do not reflect normal usage. Staff worked with the applicant to provide historic aerials of the property from 2003 to 2022, included as Attachment 7 – Historic Aerials – 2003 – 2022. Although not providing a time of day when the aerials were taken, the images do not show a time when all spaces were used or close to full.

### Request for Modifications of Requirement

Based on the current proposal, the only condition from the approved 2005 site plan that the applicant is requesting be removed is the one that limits medical office uses to 50%. In the attached letter to the Director of Public Works, the applicant lists the justification for removing this requirement, including that Town Code Section 18-130 does not list a different parking standard for medical uses.

### *Required Commission/Board approvals:*

Per [Section 18-256](#), the Planning Commission is required to make a recommendation to the Town Council on any requests for modifications.

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***Staff Analysis:***

The limited medical office condition for the parking modification required in 2005 is not a requirement of the Zoning Ordinance. No other office buildings in Vienna have a similar restriction. Staff has not received any complaints related to parking for this site.

Staff researched the parking requirement for an office building of this size using the 5th Edition Institute of Transportation Engineers (ITE) Parking Generation Manual Average Peak Rates. The average peak rate for general office is 2.39 spaces per 1,000 square feet of gross floor area and for medical office it is 3.23 spaces per 1,000 square feet of gross floor area. The gross floor area of White Oak Tower is 48,323 square feet and has 183 parking spaces. Using the ITE rates, if the entire building was strictly general office, it would require 115 parking spaces; and if it was entirely medical offices, it would require 156 parking spaces. In summary, even if the building did eventually become 100% medical, the site would still provide 27 more parking spaces than the estimated peak rate using the ITE average peak rate.