




STAFF REPORT COVER SHEET

September 26, 2022

ATTACHMENT 01

Address:	301 Maple Avenue W	Case Number:	PF-828087-SP
Public Meeting Date:	9/26/2022	Applicant:	Kim Luu-Tu of White Oak Tower Office Condominium Association
Board/Commission:	Town Council	Owners:	White Oak Tower Office Condominium Association
Existing Zoning:	C-1A	Existing Land Use:	Office
Brief Summary of Request:	Request to modify conditions of approved site plan, so as to remove the existing requirement that no more than 50% of the building be occupied by medical office uses.		
Site Improvements:	No improvements are proposed.		
Size of Property:	58,804 square feet/1.35 acres		
Public Notice Requirements:	<ul style="list-style-type: none">• One sign posted along Maple Ave W on August 4, 2022 with dates of Planning Commission meeting and Town Council hearing.• Written notice sent by certified mail to Fairfax County Department of Planning & Development• Notification letters sent by certified mail to adjoining property owners		
Brief Analysis			
PROPERTY HISTORY <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>			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN <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. 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 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 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 make no distinction between medical office uses and non-medical office uses. Therefore, it would be consistent with the Zoning Ordinance to remove the limitation on the amount of medical office uses if that limitation is based on an assumption that medical office uses generate more demand for parking than non-medical office uses.

Attachments:	<ul style="list-style-type: none">01 – Staff Report02 – Staff Presentation03 - Application and Authorization04 - Letter Requesting Modifications05 - Parking Utilization Summary – March-April 202206 - Offices Survey 3.31.202207 - Historic Aerials 2003-202208 - Minutes from March 21, 2022 Town Council Meeting09 – 2005 Approved Site Plan10 - Minutes from 2005 Town Council and Planning Commission meetings and Planning Commission memo to Town Council11 - White Oak Tower Medical Use Occupancy Chart12 - Relevant Code Sections13 – Planning Commission Chair Memo14 – Regulatory Requirements
Author:	Kelly O’Brien, AICP, CZA, Deputy Director

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Consideration of request to modify conditions of approved site plan for White Oak Tower, located at 301 Maple Ave. W, so as to remove the existing limitation on the amount of medical office, related to parking. 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 if additional information is provided, in support of the application. The applicant has resubmitted the application with the additional information requested by the Town Council at the March 21, 2022 meeting. The Planning Commission reviewed this resubmitted application, with the additional information, on August 24, 2022.

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, the Town revised the zoning code to reduce the maximum allowable building height for new development in the commercial zones and to increase the minimum required number of parking spaces required for commercial buildings (an increase from 4 to 5 spaces per 1,000 square feet of gross floor area, not including 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. The building 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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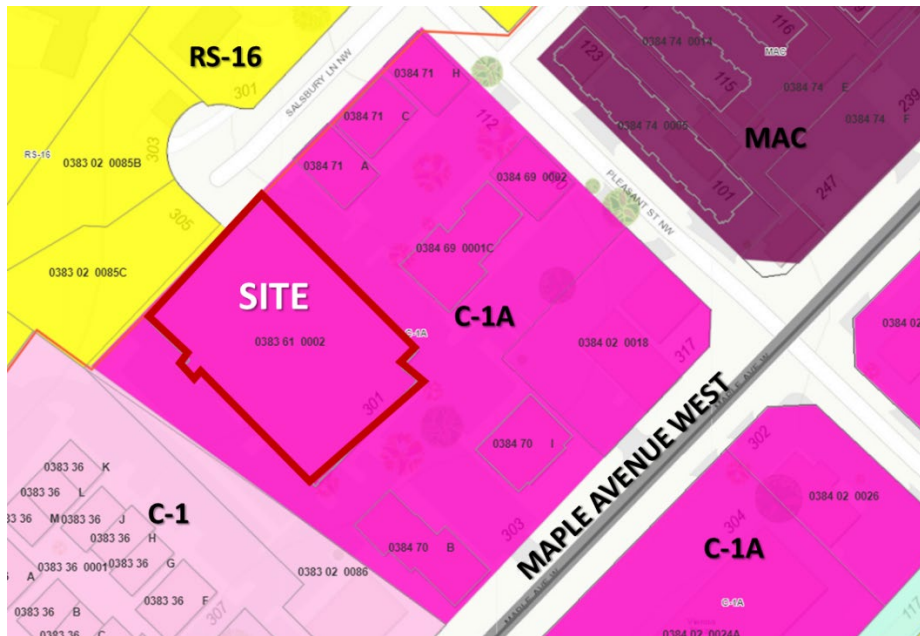


Figure 1 – Zoning Map with highlighted site location.

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 of that time determined that the site plan modification process (§18-256:257 of the Town Code) would be the correct course of action to address then-existing nonconformities.

To bring the site into compliance, the owner at the time requested five site plan modifications: (1) A small reduction in the required width (from 9 feet to 8 ½ feet) of the parking spaces provided; ; (2) Reduction of the required number of off-street parking spaces from 226 to 183; (3) Reduction of the otherwise required 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.

The topic of the current agenda item relates to the second request made in 2005 – a reduction in the required number of parking spaces. Prior to the development of this building, the Town Code specified that one parking space must be provided for every 200 square feet on the first floor, and one space provided 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 ordinance revision deleted the requirement differential between the upper floor and first floor, as well as all exceptions except for stairs and elevators. As a result, required parking, if constructed at the time of

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conversion to condominiums in 2005, would be 226 off-street spaces as opposed to the 153 spaces required when the building was constructed in 1977. As shown on the Lot Identification Diagram in Attachment 5 – Parking Utilization Summary, a total of 183 parking spaces are provided, in a combination of the 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. 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. 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 Town 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 this approval, the condominium association incorporated the limitation on medical offices into its condominium documents.

After the condominium conversion and site modifications were approved, the process for approval of certificates of occupancy from the Town included the requirement to regularly update a chart that tracks the percentage of medical offices in the building and provide it to the Town. 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.

In February 2022, the applicant submitted a request to remove the 50% medical office upper limit, which would separate that specific use from parking requirements. The Planning Commission, at its February 23, 2022 meeting, recommended approval to Town Council, with a vote of 7-0.

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At the March 21, 2022 Town Council meeting, the Town Council rejected the request 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 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. At that meeting, some members of the Town Council expressed concern about the results of such a study, and about basing any decision on parking counts taken during the lowered usage of office related to the COVID pandemic.

Current Proposal:

The applicant is, once again, 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 applicant also conducted a parking utilization study, which was completed by building management staff of the condominium association. The results are in Attachment 5. They indicate that the peak time where the most spaces are used is 5:00 PM. During the two-week period of data provided, there were spaces available at all times studied. At peak use, 10% (or 18 spaces) were available.

In addition, 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 any instances of all spaces being used or the parking structure close to full.

Request for Modifications of Requirement

The applicant is requesting elimination of the upper limit of 50% medical office uses, a which was a condition of the approved 2005 site plan. In the attached letter to the Director of Public Works, the applicant lists the justification for removing this condition, including that Town Code Section 18-130 does not list a different parking standard for medical uses.

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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. The Planning Commission, at the August 24, 2022 meeting, recommended approval to the Town Council with a vote of 6-0 in the affirmative. The motion made by the Planning Commission supported the applicant's request for complete removal of the medical use restriction; however, the Commission also offered support for an alternative that would increase the allowed medical usage from 50% to 80%, with a commitment to reevaluate the parking conditions after three years to determine whether the requirement should be eliminated completely.

A memo from the Planning Commission chair summarizing the discussion and final vote is included as Attachment 13 – Planning Commission Chair Memo.

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.

The Planning Commission requested staff provide information about the parking and medical usage of other office buildings in Town. Staff does not have adequate information on the individual office suites area to provide a percentage of medical use, however, 130 & 140 Park Street SE do appear to be 100% medical use based on business licenses.

Address	Site Plan Approved or Built	Building Area (sf)		Parking Required	Parking Provided
		Gross	Net		
301 Maple Ave W	1977	48,323	45,181	226	183
115 Park St SE	1985	18,977	18,400	92	92
130 & 140 Park St SE	1989	27,504	24,259	121	122
243 Church St NW	1984	19,063	15,020	77	77
120 Beulah Rd NE	1981	4,913		25	26
100 East St SE	1987	19,000	17,800	89	89

Figure 2 – Analysis of selected office buildings with medical uses in Town of Vienna. The subject property is highlighted in yellow.

The Planning Commission's optional recommendation to increase the medical use limitation from 50% to 80% is based on the calculation that approximately 80% of required parking (183 of the required 226 spaces) is currently being provided at the subject site.

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The Town ordinance does not differentiate parking standards for different types of office uses. 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.