

To: Vienna Town Council  
From: Michael Gelb, Planning Commission Chair  
Re: Proposed MAC Rezoning for Sunrise Assisted Living Facility  
Date: May 24, 2019

## **Overview**

After two public hearings and a third meeting for further discussion with the applicant, the Planning Commission voted 5 to 2 to recommend that Town Council approve MAC rezoning for Sunrise Assisted Living at 100 – 112 Maple Avenue East (the corner of Center and Maple). At its previous meeting on May 4, the Planning Commission voted 4-3 with one absence to recommend that the Board of Zoning Appeals approve a Conditional Use Permit to allow assisted living at this site.

In response to public comments and suggestions from Commissioners during the two public hearings, the applicant substantially revised its proposal to allay concerns about parking, a mezzanine level, and requested modifications.

The final proposal, dated May 22, 2019, addresses the parking issue by reducing proposed retail space to 2,264 square feet (from 5,700 square feet). This change, an idea raised by a member of the public and embraced by several Commissioners at the PC's May 8 meeting reduces required retail parking from 29 spots to 12 spots, leaving more spaces available for visitors to the assisted living facility. The applicant also reduced the total number of units from 83 to 82 and eliminated a proposed mezzanine, which some argued added a fifth floor to the project. Finally, the applicant revised the project in order to eliminate three of four modifications requested in its earlier proposal and added additional proffers, including a commitment to spend \$20,000 annually to support employees use of public transportation to commute to work.

## **Discussion**

The Commission heard 13 pieces of public testimony during its two public hearings from 11 individuals, including two Church Street business owners. Those comments were dominated by concerns about parking. Some of those who spoke said that an assisted living facility was not the best use of the proposed site and that they would prefer a more traditional mixed-use facility at such a centralized location. Several commenters said they thought an assisted living facility would be a good addition to Vienna.

There were concerns from a number of speakers that the proposal did not include sufficient parking to accommodate the 5,700 square feet of retail in the initial proposal, Sunrise employees, and people who wished to visit residents. Business owners feared that if internal parking at the building was full, that visitors would park in lots intended for business patrons and make it impossible for their customers to park. Commissioners pressed Sunrise to find ways to address these concerns with strong efforts to encourage employees to use public transit and/or to adjust the proposal to reduce the parking demand.

In a discussion prompted by a citizen comment at the May 8 public hearing, Commissioners suggested that Sunrise could alleviate parking concerns and free up space for visitors by reducing or possibly eliminating the proposed retail square footage. Planning and Zoning Director Petkac, in response to a question from a Commissioner, indicated that reducing retail was a viable option because assisted living is a commercial use. Therefore, the MAC code does not require retail for this proposal.

In response to other public comment, some Commissioners wondered if the applicant would voluntarily ask for review of its application by Fairfax County's Health Advisory Board (HCAB), which reviews assisted living facility applications filed with the County. They argued that such review would fill a void because Vienna lacks expertise with such facilities.

Several Commissioners pointed out that HCAB describes itself as a [policy advisory board](#), not a health care oversight agency, and is primarily devoted to assure the "the availability and accessibility of quality cost-effective health care in Fairfax County." These Commissioners also said that Sunrise's long experience in providing assisted living gave them confidence that residents would be well cared for. The applicant noted, in response to questions, that it is subject to licensing and oversight for quality of care by the state of Virginia.

In its revised proposal, dated May 22, Sunrise withdrew earlier requests for modifications to reduce the number of required bike racks, increase the height of a proposed fence abutting the Vienna Inn and along the rear of the property, and to provide larger awnings than allowed by the MAC. Applicant continues to seek a modification to reduce the size of its loading zone to be more compatible with the proposed use. The Planning Commission recommended by a 5-2 vote that Town Council grant this proposed modification.

In discussion, Commissioners thanked the applicant for responsiveness to public and Commission input and, especially addressing concerns about parking.

Commissioners who supported the application described assisted living as a beneficial addition to Vienna and were favorably impressed by the design of the building. They also, noted that the impact on traffic would be much less than a more intense residential/retail usage, that the application would not burden local schools or parks, and did not affect residential neighborhoods. They also believed that reducing retail usage in order to reduce parking demand and minimize the risk to neighboring business was a smart trade-off that would improve the streetscape and bring a valuable service to the Town. Commissioner Gelb reported that he had visited the Sunrise facility on Hunter Mill Road at five different times during peak parking periods and that there were a significant number of available parking spots at all times. He noted that the ratio of proposed parking spots to units is roughly the same at that facility and the proposed Vienna facility.

Of the two Commissioners opposed to the application, Commissioner Baum said the small amount of retail did not meet the intent of the MAC. Commissioner Miller said he remained concerned about parking, preferred a different use for the site, and would favor HCAB review of the application.

Commissioner Kenney could not attend the May 22 meeting because of illness, but noted in an email that he believed the project was much improved by the reduction in retail to address parking concerns.

### **The Vote**

The vote breakdown was the same on the requested modification and the application.

Ayes – Basnight, Couchman, Gelb, McCullough, Meren.

Nays – Baum, Miller.

Absent - Kenney