




STAFF REPORT COVER SHEET

June 3, 2019

Addresses:	100-112 Maple Ave E	Case Number:	PF-59-18-MAC
Public Meeting Date:	6/3/2019	Applicant:	Sunrise Development Inc.
Board/Commission:	Town Council	Owners:	Kirschner Enterprises Inc,
Existing Zoning:	C-2, C-1A	Existing Land Use:	Office
Brief Summary of Applicant Request:	<p>Request for a rezoning to the Maple Avenue Commercial (MAC) zoning district and approval of one modification of requirement.</p> <p>Applicant proposes a mixed-use building with retail space on a portion of the ground floor and senior assisted living facility.</p>		
Site Improvements:	<p>Redevelopment of existing site to include approximately 77,246 square feet of commercial uses including 2,264 square feet of commercial/retail space and a maximum of 82 unit senior assisted living facility. Improvements also include at-grade structured parking and one level of underground parking. Proposed concept plans revised as of May 22, 2019.</p>		
Size of Property:	32,130 sf/0.74 acres		
Public Notice Requirements:	<p>Advertisement for two successive weeks of public hearing in a newspaper having paid general circulation in the Town</p> <p>Posting of the property at least ten days prior to the public hearing</p> <p>Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing</p>	<p>Published in Sun Gazette on May 16, 2019 and May 23, 2019</p> <p>Two signs posted along Maple Avenue East and Center Street North on April 9, 2019 and continually updated with all dates of Planning Commission, Board of Zoning Appeals and Town Council hearings.</p> <p>On May 24, 2019, 66 certified letters were sent to adjacent, abutting and immediately across the street property owners/agents/occupants and subject property owners</p>	
Brief Analysis			
<p>PROPERTY HISTORY</p> <p>The subject property currently consists of two vacant office buildings built in 1983 and associated parking lot. The two buildings include a 3,000 square foot 1-story building, 18 feet in height, and a 2-story building, 29 feet in height, with a 4,600 square foot building footprint per the applicant's existing conditions plan, for a total of 10,980 square feet of gross floor area per Fairfax County's Real Estate Assessment Records for the subject property.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The Future Land Use Plan in the Comprehensive Plan 2015 Update shows the site as mixed-use. The mixed-use land category was added to the plan to reflect the vision for the existing commercial areas to redevelop as mixed-use projects. The Comprehensive Plan promotes a mix of housing types, which this proposal will help to further expand.</p>			

COMPATIBILITY WITH THE ZONING ORDINANCE

The proposal is compatible with the Zoning Ordinance, through the rezoning process, as conveyed in [Article 13.1 MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code](#), with the exception of one modification of requirements being requested from [Section 18-132](#) to allow a 15 foot wide loading space, a reduction of 38 feet from the required 53 foot wide loading space.

The site is eligible for the MAC zoning district and the applicant is voluntarily opting-in for the rezoning to the MAC zoning district. A conditional use permit is required for the assisted living use.

Attachments:	Application and Rezoning Affidavit <input checked="" type="checkbox"/> Updated Existing Conditions, Concept Plans and Renderings 05.22.19 <input checked="" type="checkbox"/> Revised Statement of Support <input checked="" type="checkbox"/> Statement of Purpose and Intent <input checked="" type="checkbox"/> Proffer Statement <input checked="" type="checkbox"/> MAC Incentives Checklist <input checked="" type="checkbox"/> Updated Parking Summary <input checked="" type="checkbox"/> Traffic Impact Analysis <input checked="" type="checkbox"/> Parking Assessment <input checked="" type="checkbox"/> Parking Assessment & TIA Review <input checked="" type="checkbox"/> Public Engagement Summary <input checked="" type="checkbox"/> BAR Recommendation <input checked="" type="checkbox"/> Revised Fiscal Impact Analysis <input checked="" type="checkbox"/> Planning Commission Recommendation <input checked="" type="checkbox"/> Board of Zoning Appeals Order <input checked="" type="checkbox"/>
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Author: Kelly O'Brien, AICP, Principal Planner

ITEMS NO. 1 & 2:

Consideration of a request for proposed rezoning for Sunrise Assisted Living, a mixed-use building with ground floor retail and a senior assisted living facility, located at 100 to 112 Maple Avenue East, from the C-2 General Commercial Zone and C-1A Special Commercial Zone to MAC Maple Avenue Commercial Zone. Application filed by Sara Mariska of Womble Bond Dickinson on behalf of Sunrise Development Inc.

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Consideration of a request for site plan modification of requirements to allow a 15-foot wide loading space, a reduction of 38 feet from the required 53-foot wide loading space. Application filed by Sara Mariska of Womble Bond Dickinson on behalf of Sunrise Development Inc.

Introductory Comments & Background:

Existing Conditions

The subject site includes one parcel, located at 100-112 Maple Avenue East. The parcel is zoned C-2 General Commercial and C-1A Special Commercial. Maple Avenue East and Center Street North border the site, respectively on the southern and eastern sides. The Vienna Inn borders the property to the west and an office building and commercial building border the property on the northern side.

There are two existing vacant buildings on the subject site. Both buildings were constructed in 1983. The building near Center Street is a 3,000 square feet, 1-story building, 18 feet in height, and the building near the Vienna Inn is a 2-story building, 29 feet in height, with a 4,600 square foot building footprint per the applicant's existing conditions plan, for a total of 10,980 square feet of gross floor area per Fairfax County's Real Estate Assessment Records for the subject property. Fifty-one associated off-street parking spaces are also located on-site. The buildings have been vacant since 2016.

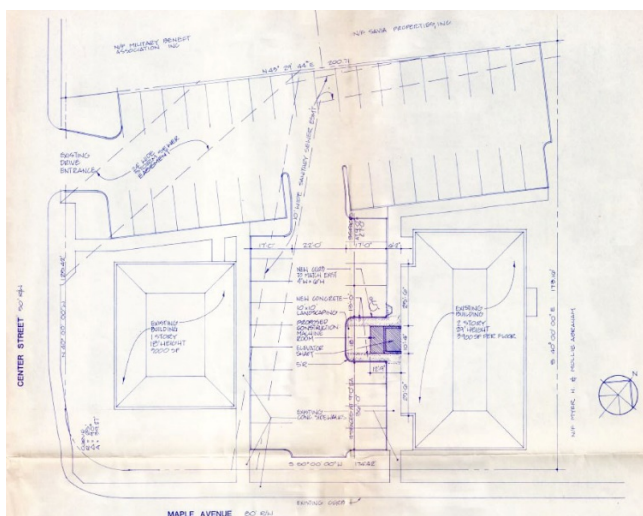


Figure 1 – 1990 plan for elevator addition to 2-story building at 102 Maple Ave E

Current Proposal:

The proposed development concept plans have been revised throughout the rezoning process to address comments received at public meetings and hearings of the Board of Architectural Review, Planning Commission and Board of Zoning Appeals. The table below details the changes in proposed retail space and unit count over time. The recent reduction of retail space was requested by the Planning Commission to reduce the parking demand. The only change to the parking garage is the replacement of one non-code compliant compact parking space replaced by an ambulance loading space, which is not required by Town Code. The other element of this proposal that has changed over time is the mezzanine level. The mezzanine level was revised in the April 8, 2019 plan set to meet the zoning determination that the level not occupy more than fifty percent of the area of the floor below and be partially physically open and/or visually connected to the floor below. The partial plans shown to the Board of Zoning Appeals on May 15, 2019 and full set submitted on May 22, 2019 show the mezzanine level removed entirely.

Date of Revised Plans presented to Following Boards / Commissions	Commercial Retail	Assisted Living	Gross Floor Area
February 21, 2019 Board of Architectural Review	7,700 square feet	85 units	99,593 square feet
April 24, 2019 Planning Commission	5,700 square feet	83 units	98,000 square feet
May 15, 2019 Board of Zoning Appeals	2,264 square feet	82 units	75,721 square feet

The latest revision to the concept plans include a mixed-use building with one 2,264 square foot commercial retail bay on the ground level, an assisted living facility of 82 units and common space on the first, second, third, and fourth floors and associated structured parking. Assisted living facilities are a commercial use not a residential use per the Town Code because the units do not meet the definition of dwelling units. Dwelling unit, per [Section 18-4](#), is defined as “one or more rooms in a dwelling providing complete living facilities for one family (or family equivalent), including cooking facilities.”

The mezzanine level has been removed; however, the height of the building has not changed. The utility easements on site, one crossing the corner of the parking garage and the second below the pocket park, require 20-feet of vertical clearance in the event equipment needs to access the area.

Rezoning

The redevelopment of the site requires a rezoning from C-2 General Commercial Zone and C-1A Special Commercial Zone to MAC Maple Avenue Commercial Zone. C-2 General Commercial zoning encompasses approximately 46 percent of the site. C-1A Special Commercial zoning encompasses roughly 54 percent of the site. Rezoning to the MAC zoning district is voluntary and the subject site is eligible for rezoning to the MAC.



Figure 2 - Existing Zoning

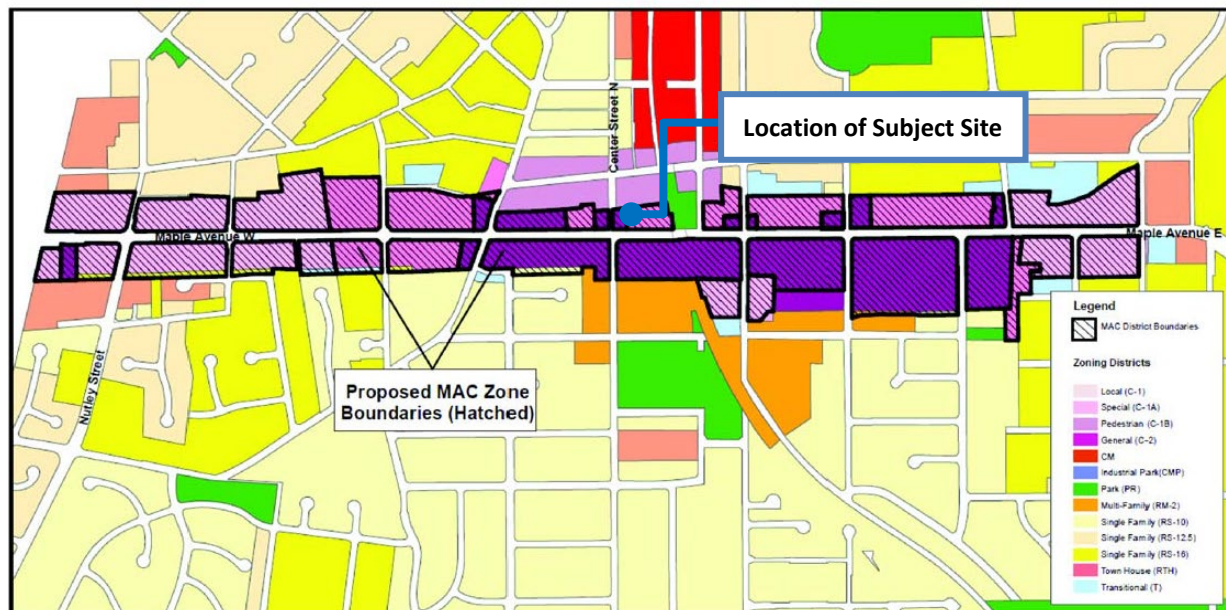


Figure 3 - Maple Avenue Commercial (MAC) Zone Eligible Properties

Standards

Permitted Use

Retail Space

Based on comments received from the Planning Commission during the May 8 hearing, the applicant has revised the proposed mixed-use building to reduce the previously proposed 5,700 square feet of ground floor retail/commercial space to one 2,264 square foot bay on the corner near the Vienna Inn and the pocket park. The reduction of retail space was requested by the Planning Commission to reduce the parking demand. The applicant has stated in the proffers that no restaurant use will be allowed in the retail space provided.

Conditional Use

Senior Assisted Living

Assisted Living Facilities require a conditional use permit in the MAC Maple Avenue Commercial Zone per [Section 18-95.5](#) and must meet the conditions of [Section 18-209](#). The Board of Zoning Appeals approved the conditional use permit on May 15, 2019 contingent on approval by Town Council of the rezoning application.

The applicant has reduced the proposed unit count from 83 to no more than 82 units. The units are located on the second, third, and fourth floors. The applicant has stated that the third floor of the building will be a secure floor for residents with dementia. The revised plans show the mezzanine of the building removed and the dining rooms, kitchen and other amenity spaces relocated to the ground floor. The assisted living facility is accessed from the lobby area fronting the corner of Maple Avenue East and Center Street North and from the parking garage.

The previously proposed 83 units included 40 single bed units, 23 double bed units and 20 units that can be adapted to either single or double bed. The revised proffers reserve the right to modify the internal building layout during the site plan review phase provided no more than 82 units are proposed and the retail space remains separate from the assisted living facility. The secured third floor has 26 units for residents with dementia.

The applicant proposes multiple amenities in the building for the residents of the assisted living facility. These amenities include tiered uncovered courtyard areas located on the second and third floors, shared dining room, private dining area, parlor, activity rooms, shared living room, entertainment room and a salon. The applicant has stated that the assisted living facility total floor area is divided into approximately 50-percent for resident rooms and 50-percent for amenity spaces and staff areas.

Area requirements and height limit

In terms of area requirements, the applicant meets all required setbacks. The applicant is proposing several incentive features to be able to increase the maximum impervious surface allowed by 10%. Although the applicant no longer requires incentives for the inclusion of a

mezzanine level, the applicant has not proposed to reduce any of the incentive bonuses previously proposed.

Table 1 - MAC Area and Height Requirements

	Required	Proposed
Setback from Maple Avenue	Minimum 20' from face of curb	20.0'
Setback from Side Street (Center Street N)	Minimum 15' from face of curb	16.1'
Side Setback (next to Vienna Inn)	Minimum 8' from property line	10.5' to the cantilevered portions of the building 20' to the ground floor of the building
Rear Setback (Commercial Development)	Minimum 10' from property line	10.7'
Building Height (to the roof)	Maximum 54' from average front grade	54'
Number of Stories	Four	Four
Building Height of Architectural Features (above roof)	Maximum 62.1' from average front grade	61.5' Tower projection 7.5 feet above building height
Impervious surface	Maximum 80% of entire site	87.1%*

**Request for 10% increase in the maximum impervious surface, a portion of the pervious area achieved through use of permeable pavement.*

The applicant is using the following types of incentive features in the project:

- Construction of the principal structure to Earn the Design for Energy Star certification or similar program **(BB)**
- Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water **(AA)**
- Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements **(AA)**
- Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation **(B)**
- Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site **(B)**

Off-street parking and loading

Retail Parking

Per [Section 18-130](#), one parking space is required for every 200 square feet of commercial space. A total of 12 spaces are required for the revised 2,264 square feet of commercial space proposed on the ground level of the building. All off-street parking for the retail/commercial space is located in the surface level parking and parking structure accessed from Center Street. Pedestrian access is provided directly from the parking to the rear of the retail spaces as well as an elevator from the parking garage to a retail lobby.

Assisted Living Parking

The Town Code does not currently have an assigned parking requirement for an assisted living use. The applicant has provided a parking analysis of similar facilities and national standards for this use. The applicant proposes a parking rate of 0.4 spaces per unit for 82 units, which would require 33 parking spaces.

Revisions to the plans include the removal of one previously proposed compact parking space in exchange for a striped space to allow a loading space for an ambulance in the garage. The compact space removed does not meet Town requirements and did not count towards required parking. The space provided for the ambulance parking does not count towards required parking. Per comments received at the May 22, 2019 Planning Commission meeting, the applicant added a label to the striped area designated for ambulance loading on sheet P-301.

The applicant provided a revised parking summary stating the reduction of the retail space proposed and unit loss results in a proposed ratio of 0.57 spaces per unit without the 1.25 parking incentive. However, those calculations include spaces that do not meet town requirements, specifically the three compact spaces and two of the tandem spaces. Staff's analysis of the parking provided for the number of units proposed finds that the assisted living facility parking rate is actually 0.51 spaces per unit, which increases to 0.68 spaces per unit with the 1.25 parking incentive. (See Table 2)

Total Parking Required

The proposed parking garage provides 59 spaces; however, 4 tandem parking spaces and 3 compact spaces proposed in the garage do not meet the dimensions of required parking in the Town Code. Two of the four spaces provided as tandem spaces and the 3 compact spaces may not be included toward the parking requirement leaving a total of 54 spaces provided. Per [Section 18-95.10.A.2](#), spaces within a parking structure are credit at a rate 1.25 times the number of spaces. In this case, the 54 spaces are counted as 68 spaces. The applicant's revised parking summary does not remove the non-regulation spaces in their calculations. Staff's analysis of the revised parking provided is shown in Table 2.

Table 2 – Parking Calculations					
	Without Incentive		With Incentive		
	Spaces Provided	Parking Rate	Spaces Provided	Parking Rate	
	Retail (2,264 square feet)	12	1/200 sf	12	1/200 sf
	Assisted Living (82 units)	42	0.51/unit	56	0.68/ unit
	TOTAL SPACES*	54		68	

*Note: Total spaces does not include the 3 compact and 2 tandem non-regulation spaces or proposed valet spaces for special events.

Table 3 provides a comparison of the required parking rate for assisted living uses in nearby jurisdictions. Using a total occupancy of 115 residents and 35 employees at peak shift, per statements made by the applicant in public hearings, the parking required for this proposal in each jurisdiction and the parking rate required per unit for 82 units are shown below.

Table 3 – Comparison of Parking Requirements for Assisted Living in Other Jurisdictions			
Jurisdiction <i>Use</i>	Required Parking Rate	Parking Required for Proposal	
		Required Spaces	Per Unit Rate
Fairfax County <i>Nursing, Convalescent, Assisted Living or Congregate Living Facility</i>	One (1) space per three (3) residents, plus one (1) additional space for each employee	73	0.89
City of Fairfax <i>Assisted living facility</i>	1 space per 4 beds	29	0.35
City of Falls Church <i>Convalescent, human care, nursing or rest home, sanitarium</i>	1 per 4 beds of maximum capacity, plus 1 for every full-time staff member on the maximum shift, and 1 per attending physician	64	0.78
Town of Herndon <i>Convalescent Homes</i>	1 per 4 beds, plus 1 space for each 2 employees, plus 1 space for each doctor assigned to the facility per shift	47	0.57
Arlington County <i>Hospitals, rest homes, sanitariums, convalescent homes & institutions</i>	1 per 4 beds, plus 1 space for each 2 employees (other than staff doctors), plus 1 space for each doctor assigned to the staff	47	0.57

Staff consulted with Whitman, Requardt & Associates, LLP (WRA) to review the applicant's parking assessments. WRA found that the methodology used to calculate the parking requirements for the assisted living use in previous parking assessments was technically sound

and in conformance with ITE guidelines and Town requirements and regulations. WRA's Review of the previous Parking Assessments are included as an attachment to the staff report. WRA has reviewed the Parking Summary provided by Wells and Associated, dated May 16, 2019 and the Town's analysis of the Parking Summary. WRA concurs with the Town's analysis and interpretation of the Parking Summary.

At the joint work session with Town Council and the Planning Commission on April 1, 2019, the applicant was asked about the plan for overflow parking on high visitation days for the assisted living such as holidays. The applicant stated there is a valet parking plan to provide more spaces and amended the plans to show the 10 additional valet spaces.

Bicycle Parking

Per [Section 18-95.10.F.1](#), the applicant is required to provide one long-term bicycle parking space per 5,000 square feet of nonresidential floor area and one employee parking space per 25,000 square feet of nonresidential floor area. Based on 75,721 square feet of commercial uses, the applicant is required to provide 19 bicycle spaces for the retail and assisted living facility. The code does not specify a bicycle parking rate for assisted living uses so the commercial use rate is applied. The applicant is proposing 8 spaces along Maple Avenue in front of the ground level retail and 12 spaces within structured parking garage.



Figure 4 – Illustrated site plan showing location of 4 bike racks proposed on Maple Avenue and garage floor plan showing location of 6 proposed racks circled in red.

Loading

The applicant proposes locating the loading area access from Center Street North, using the same curb cut and apron as the parking garage entrance. Per [Section 18-132](#), the applicant is required to provide a loading area that is at least 15 feet tall, 25 feet deep, and a “width of at least 15 feet for every 50 feet or fraction thereof of building width” or 52.65 feet wide for the proposed 175.5 foot wide building. *The applicant is requesting a modification for a 15 foot wide loading area.* The applicant stated the purpose of the modification is as follows: “Given the small size of the proposed retail spaces, combined with the loading needs of the assisted living facility, a single 15 foot loading space will be sufficient to accommodate the loading needs of the proposed building, and is consistent with the loading space requirements in neighboring jurisdictions.” The gate for the loading area is set back from the building face to not impede pedestrian access on the sidewalk when the gate is open.

Table 4 - Loading Requirements of Neighboring Jurisdictions

Jurisdiction	Requirements
Town of Vienna	At least 25 feet in depth, width of at least 15 feet for every 50 feet or fraction thereof of building width
City of Fairfax	No less than 12 feet in width and 25 feet in length Designed and constructed to accommodate the largest vehicles likely to service the use on a frequent and regular basis,
City of Falls Church	At least 10 feet in width and 30 feet in length
Town of Herndon	At least 17 feet wide by 25 feet long (or deep)
Fairfax County	No less than 15 feet wide, 25 feet long and 15 feet high

Mobility and circulation and landscaping

The applicant proposes to continue the standard Maple Avenue streetscape in Zones 1 and 2 that have been implemented along Maple Avenue East and parts of Maple Avenue West. This includes the 6-foot landscape/planter strip and a 5-foot brick sidewalk. For Zone 3, the applicant proposes a mixture of hardscape material and landscaping, providing gathering spaces and outdoor dining areas.

Along the majority of Center Street North, the applicant proposes extending the 5-foot sidewalk and planter along Center Street North with a variable width landscaping strip along the base of the building. The applicant proposes planting street trees along Maple Avenue East and Center Street North.

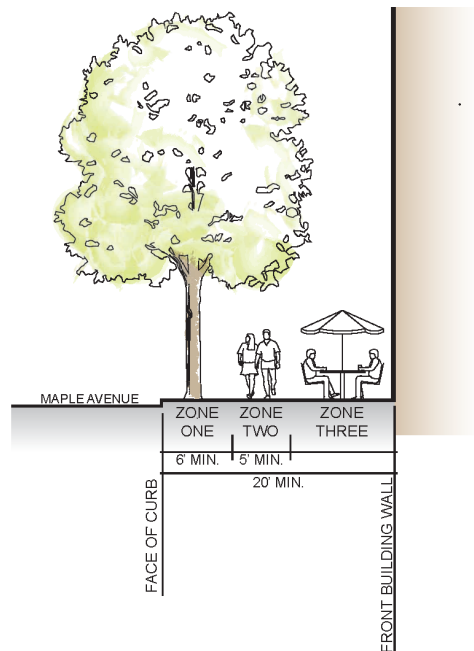


Figure 5 - Required streetscape along Maple Avenue

The applicant also proposes a 20-foot wide pocket park along the north-eastern property line between the proposed building and the neighboring Vienna Inn. The pocket park is proposed as a mix of permeable paving and green walls along the fence and building base. The pocket park also serves as access for Public Works to service the sanitary sewer line located below the pocket park and manhole located in the far corner of the property. Due to the need for service vehicles to access this area on a regular basis, plantings are not feasible.

The applicant is providing gates at the back corner of the fence around the pocket park to provide pedestrian access to adjoining properties, as required by [Section 18-95.11](#), making it easier for residents and visitors to walk to nearby destinations.

Open space set-asides

The applicant is proposing public gathering and outdoor dining areas in a 9-foot wide section adjacent to the sidewalk along Maple Avenue, referred to in [Section 18-95.11.1](#) as Zone 3. The applicant also proposes an open-air pedestrian courtyard/pocket park that is 20 feet wide and runs along the north-eastern property line between the proposed building and the neighboring Vienna Inn.

Table 5 - Open Space Set-aside Requirements

	Required	Total Development Area	Proposed
Open space provided (percentage)	15%	32,130 sf	21.7%
Open space provided (square footage)	4,820 sf	32,130 sf	6,965 sf

Site development standards

One retail bay with primary entrance on Maple Avenue East is proposed on the ground floor near Vienna Inn. The main entrance to the assisted living facility is located on the corner of Maple Avenue East and Center Street North with a grand foyer. Awnings are proposed over the primary commercial entrances and adjacent ground level windows.

The applicant is proposing several variations of the facade along all sides of the building by utilizing roofline changes coupled with façade material changes, offset surfaces, bay windows and window indentations.

The parking structure and loading area are proposed to be screened with a 6-foot high board-on-board fence along the northwest property line facing towards Church Street and the northeast property line facing the Vienna Inn.

The refuse and recycling collection for the assisted living and retail uses are located within the building in two separate rooms. There are no dumpsters proposed for this site. The applicant has stated the refuse and recycling will be wheeled out in 95-gallon two-wheel trash containers to the loading space for pickup on collection days.

Exterior lighting

The applicant is proposing limited lighting on the exterior of the building. The concept plans show the standard acorn style light poles in the right of way, building mounted sconces along the rear of the building and side of the building facing the pocket park, and recessed lighting under the canopy at the entrance to the assisted living facility lobby and under the cantilevered bay windows over the pocket park.

Neighborhood compatibility

The subject site is not located next to or across from any single-family detached dwellings, therefore, no height changes or building setbacks consistent with [Section 18-95.16](#) are proposed. The nearest residential buildings are 24 condominiums at 109 and 111 Center Street North, located diagonally across Center Street North from the subject site.

Multi-Modal Transportation Impact Analysis

Per [Section 18-95.3](#), the applicant is required to provide a multi-modal transportation impact analysis. The analysis is defined in [Article 2. - Definitions](#) as, “the study of development-related existing, and future conditions of travel demand and supply to include analysis of vehicular, pedestrian and bicycle traffic, transit, and parking in a defined study surrounding the proposed development site.” The study, prepared by Wells and Associates, looks at a redevelopment of a mixed-use building comprised of approximately 85 assisted living units (105 beds) and 8,400 GSF of ground floor retail uses. The study, based on the previously proposed unit count and retail area, finds that the proposed redevelopment will generate 379 daily net new external trips, with an increase of 25 weekday AM peak hour net new external trips, 37 weekday PM peak hour net new external trips, and 36 Saturday peak hour net new external trips. These site trips include an

internal allowance reduction between the assisted living and retail components, as well as a pass-by reduction for the retail component. These numbers are conservative, since the revised proposal now includes 2,264 square feet of retail and 82 assisted living units.

The study concludes that the development of the site will result in negligible impacts to intersection operations within the study area. Under 2021 future conditions, forecasts associated with the proposed mixed-use development combined the baseline traffic volumes, regional growth estimates, total pipeline trip assignments, removal of existing site trips and pass-by trip assignments, the study predicts the overall Level of Service for the intersection of Center Street and Maple Ave would maintain the same grade of C as it has today.

The study recommends the applicant implement a Transportation Demand Management (TDM) program including strategies such as advising employees of the available commuter choices, providing incentives to use transit, and managing the proposed parking including the proposed tandem spaces. The applicant has included TDM measures in the proposed proffers.

Required Commission/Board approvals:

[Section 18-95.3. – Procedure for MAC Zone designation](#) describes the process by which existing properties may rezone to the MAC district. Designations may only be approved as a rezoning in accordance with Article 24 of Chapter 18, Zoning. The rezoning application must be accompanied by an existing conditions plan and a concept plan prepared per the standards set forth in [Section 18-95.3](#). The application must also include building elevations, 3D renderings, and a multi-modal transportation impact analysis. After submittal and staff review, the Board of Architectural Review (BAR) reviews the proposal and makes a recommendation regarding its compliance with the requirements of Article 13.1. This recommendation will then accompany the application through the rezoning process, per the requirements of Article 24.

The Board of Architectural Review reviewed the item at its regular monthly meeting on February 21, 2019. The Board recommended approval to the Town Council in regards to compliance with Article 13.1 (see attached BAR recommendation).

The Planning Commission is required to review and make a recommendation to Town Council for all rezoning applications, per [Section 18-246. – Planning Commission notice and hearing](#). Per [Section 18-256](#) of the Town Code, the Planning Commission is also required to make a recommendation to Town Council for any modifications of requirements. The Planning Commission, at the May 22, 2019 meeting, recommended approval to Town Council of the requested modification and rezoning on a vote of 5-2 in the affirmative. The Planning Commissioner's recommendation memo is included in the attachments. If the rezoning is approved by the Town Council, the proposed development shall be subject to site plan approval per [Article 25](#).

Per [Section 18-211](#) of the Town Code, the Planning Commission is also required to make a recommendation to the Board of Zoning Appeals (BZA) for any applications for conditional use permits. The Planning Commission, at the May 8, 2019 meeting, recommended approval to the BZA of the requested conditional use permit on a vote of 4-3 in the affirmative.

The Board of Zoning Appeals reviewed the request for the conditional use permit for assisted living use as part of a Maple Avenue Commercial (MAC) rezoning at a hearing on May 15, 2019. The Board approved the conditional use permit by unanimous vote, 5-0 in the affirmative, with conditions that the permit approval is contingent upon Town Council's approval of the rezoning and that the permit shall become null and void 24 months after issuance if construction or related operation has not commenced.

Staff Analysis:

Zoning Ordinance

Staff finds that the application meets requirements of Article 13.1 and Article 16 of Chapter 18 of the Town Code, with the exception of the requested modification of requirement from [Section 18-132](#) to allow a 15 foot wide loading space, a reduction of 38 feet from the required 53 foot wide loading space.

The applicant has provided a document requested by the Director of Planning and Zoning outlining how the proposed project meets each intention of the MAC as outlined in Section 18-95.1. The responses are also italicized below.

Conditional Use Permit

Staff finds that the application meets requirements of [Article 21 Section 18-209](#) of the Town Code. The proposed project will not adversely affect the health or safety of persons residing or working in the neighborhood, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood and is in accord with the purposes of the Town's master plan.

[Section 18-95.1. – Statement of purpose and intent](#) states that the MAC zone is intended to:

- A. Encourage compact, pedestrian-oriented development along Maple Avenue East and West that collectively accommodates residents, visitors, and businesses;

The Applicant proposes a residential senior living community that will be carefully designed to reflect the aesthetics of the local area and honor the Town's unique character. Specific to pedestrians, the Applicant proposes generous streetscapes on Maple Avenue and Center Street, which will be 20 feet deep on Maple Avenue and 18.1 feet deep on Center Street to provide a comfortable pedestrian environment. Street level retail is proposed on Maple Avenue which will include transparent storefronts, oriented to pedestrian activity.

- B. Encourage a pedestrian-friendly, human-scale design of streets, buildings, and open spaces;

The Applicant has designed a public park on the eastern side of the proposed senior living community for local area residents to enjoy, generous sidewalks and streetscapes on Maple Avenue and Center Street, and first floor design that includes a variety of materials and large windows for pedestrian interest.

- C. Foster mixed-use and destination-style retail development along Maple Avenue East and West;

The Applicant proposes both assisted living units as well as approximately 8,400 square feet of high-quality ground level retail with this project, which can be divided into either multiple retailers or a single large tenant.

- D. Promote a variety of housing options in the Town;

The area's aging population is expected to significantly increase in the coming years. Notably, every 65 seconds, someone in the U.S. develops Alzheimer's disease. There is an increasing need for high-quality assisted living and memory care, which local families would be able to use with the development of this senior living community. It also would offer a convenient location for Vienna families who would wish to stay close to their loved ones for visiting purposes. The proposed assisted living and memory care units will provide two housing options that do not currently exist in the Town.

- E. Enhance the Town's economic vitality by promoting the preservation and creation a variety of business establishments, including restaurants, services, small and locally-owned businesses, and other uses which contribute to the vitality of Maple Avenue East and West;

The Applicant will determine its tenant mix later in the development process; however, it is committed to promoting a mix of business establishments within the 8,400 square feet of retail proposed for this site.

- F. Maintain and promote eclectic character and visual interest of building design and site configuration by encouraging a variety of building heights, density, and building mass consistent with Vienna's small-town character and compatible with surrounding residential neighborhoods;

The Applicant has varied the building roofline on all building facades, included a corner element at the corner of Maple Avenue and Center Street to visually anchor the building, and proposed a publicly accessible park on the eastern side of the site. The building has been designed to reflect the appearance of several smaller buildings, consistent with the character of quality small town architecture.

- G. Provide for a high quality of development along Maple Avenue East and West;

The Applicant proposes a high quality mixed-use retail and assisted living community that will add quality retail space to the Maple Avenue Corridor while also filling a critical need for senior housing that is missing in Vienna.

- H. Improve environmental quality and promote responsible development practices along Maple Avenue East and West;

With this senior living community, the Applicant proposes attractive, ground-level publicly accessible open space, a green roof, and stormwater management controls on a site which is largely occupied by impervious surface and lacking any meaningful stormwater management. The building will also be designed to meet Energy Star or equivalent certification standards.

- I. Encourage the creation of publicly-accessible community gathering spaces, such as parks, plazas, and other open spaces;

The Applicant proposes a ground-level, publicly accessible park on the eastern side of the site.

- J. Encourage the incorporation of art in sites and buildings through a variety of design elements, natural features, installations and displays in highly visible and publicly accessible locations;

The Applicant is committed to incorporating public art in this project. Sunrise Senior Living has a history of incorporating meaningful artistic elements into its interior design, including featuring work by local artists or artwork that pays homage to a special landmark or landscape.

- K. Foster a built environment that is comfortable, safe, accessible, barrier-free and convenient to residents and visitors of all ages and abilities.

This development is intended to serve Vienna's residents that need quality care, but desire to stay in the Town and close to their community and families. The development will meet all ADA requirements and aims to serve the families of residents as a place that is safe, comfortable, and convenient.

Comprehensive Plan

The [Comprehensive Plan 2015 Update](#) includes Goals, Objectives, Implementation Strategies, and Indicators for each of its chapters. Goals are meant to be general and describe a desired future condition.

Land Use

The following are the goals listed under the Land Use chapter (page 19):

- Maintain the balance of land uses;
- Encourage a vibrant Central Business District;
- Encourage housing for residents of all age groups;
- Protect and preserve the natural environment;
- Create a more walkable and bikeable Vienna;
- Ensure that Vienna retains its unique single-family residential character and quality of life.

The Sunrise Assisted Living facility will provide a housing type that is currently missing in Vienna. The mixed-use building also provides 2,264 square feet of retail space at the ground level. The pocket plaza between the proposed building and the existing Vienna Inn provides space for outdoor dining that does not currently exist at the Vienna Inn next door.

Transportation

The following are the goals listed under the Transportation chapter (page 59):

- Provide for efficient and reliable movement for all transportation modes;
- Manage the impact of regional and local traffic on residential neighborhoods;
- Maximize safety and dependability;
- Encourage people to walk and bicycle;
- Reduce congestion for environmental benefits;
- Manage the effects of regional development and travel trends.

According to the transportation study, the proposed project will lead to a minimal increase in the number of trips and minimal impact to the level of service of the intersection of Maple Avenue and Center Street.

The applicant is proposing to relocate the existing bus shelter currently located on the subject property, closer to Maple Avenue in the right of way. Staff has confirmed with Fairfax County Department of Transportation that the proposed location is appropriate.

Community Facilities and Services

The following are goals listed under the Community Facilities and Services chapter (page 97):

- Provide residents with reliable and efficient services and infrastructure
- Ensure that all Town facilities are adequate for Town functions
- Maximize the functionality of Town facilities for residents
- Reduce the amount of waste produced by residents and businesses
- Ensure that residents feel protected and safe in the Town

As part of the goal to provide residents with reliable and efficient services and infrastructure the Comprehensive Plan states that, “new and existing public utilities should be placed underground during new development/redevelopment” (page 109). The one utility pole located in the right-of-way near the entrance to the parking garage and loading area has multiple overhead lines connected to it running across Center Street as well as along Center Street and across Maple Avenue.

One of the implementation strategies for providing infrastructure to Town residents and businesses includes “require new developments to fund improvements to the water and sewer systems through fee and development conditions” (page 110). The proposed building will be located over an existing easement for twin 66-inch storm sewer pipes that diagonally cross the western corner of the property. Staff is concerned about future access to the 66-inch pipes under the property once the building is constructed, as any work to update the culvert would block the only vehicular entrance to the site. The replacement of the box culvert is proposed in later year capital improvement projects, however, not before the proposed construction of this site if approved. The applicant has agreed to replace the existing 12-foot by 4-foot box culvert during construction of the site and included the replacement in the proposed proffers. The applicant has added a cross section of the location of the box culvert in relation to the proposed underground parking garage. An existing 10-inch sanitary sewer line bisects the property from the south to the north. The applicant is proposing to relocate the sewer line along the eastern edge of the property under the proposed pocket park in a proposed 20-foot easement.

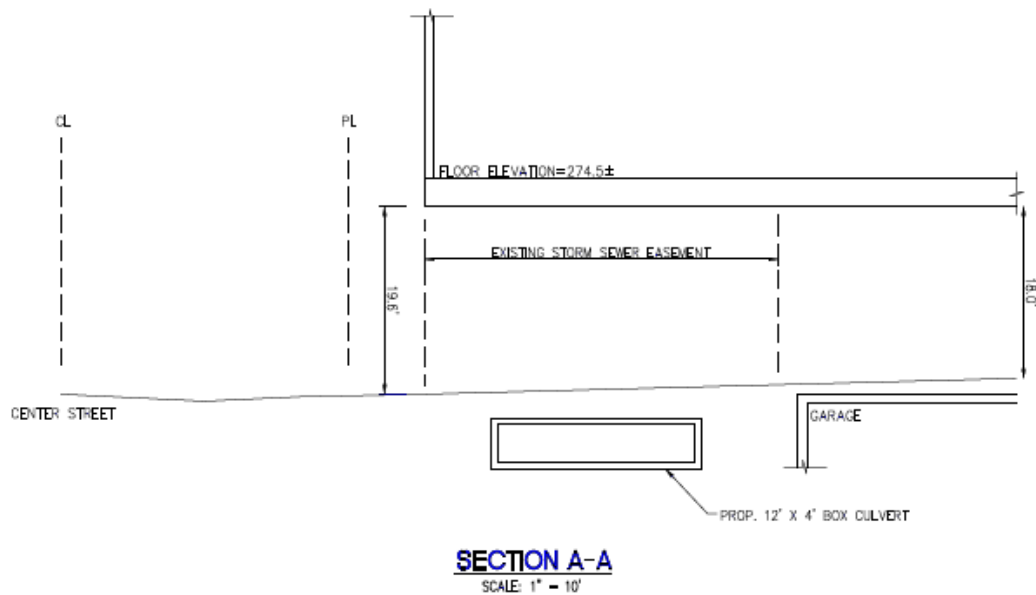


Figure 6 – Section A-A from Sheet P-0301A from the applicant's concept plans

The Comprehensive Plan also recommends encouraging “the use of low impact development technology as a planning and design strategy to manage the quantity and quality of stormwater runoff” (page 110). The applicant is proposing a 6,000 square foot green roof system to manage the quantity and quality of the stormwater. The applicant has stated the proposed Best Management Practices (BMPs) including the green roof, hydrodynamic separator and permeable pavement will remove 0.33 pounds of phosphorous per year, 10 percent more than the state requirement.

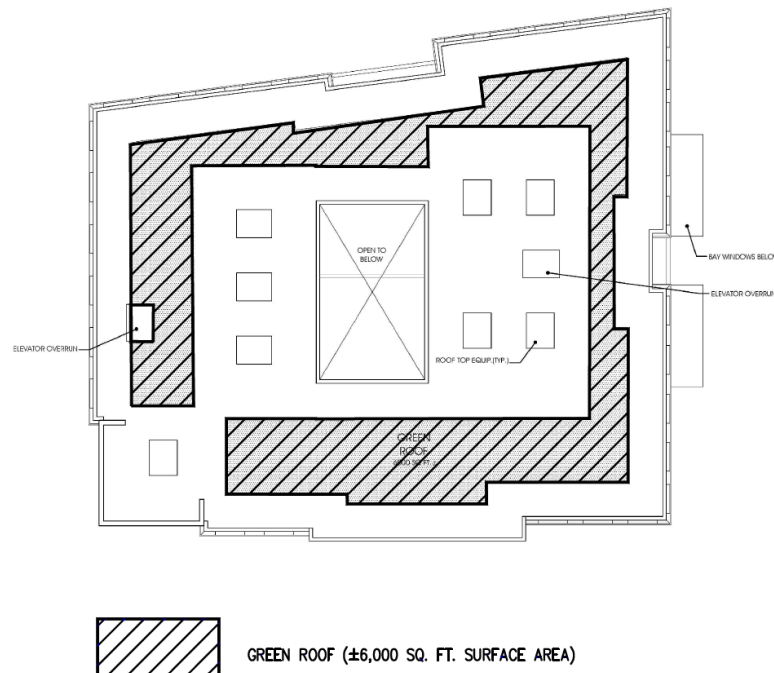


Figure 7 – Green Roof Diagram from Sheet P-0501 from the applicant's concept plans