



Town of Vienna

Meeting Minutes

Town Council Meeting

Charles A. Robinson Jr.
Town Hall
127 Center Street South
Vienna VA, 22180

Monday, September 17, 2018

8:00 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

Invocation: Reverend Brenda Burns, Vienna Assembly of God

Pledge of Allegiance to the Flag of the United States of America

1. Roll Call

Present: 7 - Council Member Tara Bloch, Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Carey J. Sienicki, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

2. Approval of the Minutes:

- A. [18-1019](#) Approval of the Regular Council Meeting Minutes of August 20, 2018, the Work Session Minutes of August 20, 2018 and the Work Session Minutes of September 4, 2018.

It was moved to approve the revised Work Session Minutes of September 4, 2018 and to defer approval of the Regular Council Meeting Minutes of August 20, 2018 and the Work Session Minutes of August 20, 2018.

Motion: Councilmember Majdi

Second: Councilmember Springsteen

Councilmember Bloch made a friendly amendment to include the Work Session minutes of August 20th for approval this evening. Amendment was accepted.

Motion carried

A motion was made by Council Member Majdi, seconded by Council Member Springsteen, that the Minutes be approved as stated. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

3. Receipt of petitions and communications from the Public that is not on the Agenda. (Limited to 5 minutes per issue and no formal action can be taken this evening)

None

4. Reports/Presentations

- A. [18-1013](#) JMHS Sports Recognition Presentation

Mayor DiRocco presented the following James Madison High School Teams a plaque recognizing their achievements in 2018:

Girls Varsity Softball Team VHSL 6A State Champions, Varsity Girls Swim & Dive VHSL 6A State Champions, Varsity Girls Soccer VHSL 6A State Runner-up and the Varsity Boys Swim & Dive VHSL 6A State Runner-up.

B. [18-950](#) Proclamation for Vienna Wireless Society Amateur Radio Week.

Councilmember Colbert presented a Proclamation to the Vienna Wireless Society for Amateur Radio Week.

C. [18-994](#) Proclamation for Town of Vienna Employee Appreciation Week

Councilmember Bloch presented a Proclamation in honor of Employee Appreciation Week in the Town of Vienna.

D. [18-1018](#) Proclamation for 9-11 Commemoration

Councilmember Springsteen presented a Proclamation for the 9-11 Commemoration.

A. Report and Inquiries of Council Members

Councilmember Colbert reported that she has received many compliments about the flashing yellow arrow at Courthouse and Maple Avenue. She thanked whoever is responsible for this.

Councilmember Noble reported that on September 28th James Madison High School will have their Homecoming Parade from about 1:30 p.m. to 2:30 p.m.

B. Report of the Town Manager

Mr. Payton thanked the Parks and Recreation Direction, Leslie Herman, for her efforts in moving the 9-11 Ceremony from our normal location outside to the Community Center, it went off extremely well and it was well done.

Mr. Payton mentioned that next Monday the 24th there will be a Work Session on the CIP (Capital Improvement Plan).

C. Report of the Mayor

Mayor DiRocco mentioned that this week, September 17th to September 21st, is the first ever Town of Vienna Employee Appreciation Week. There are a number of fun activities planned as well as goodies and treats. She thanked Maggie Kain in the HR Department for putting it together. She wanted to start off the week by saying "Thank you!" to all the Town staff for their hard work and dedication. She believes the town staff helps to make Vienna a better place to live and work.

Mayor DiRocco also mentioned that from September 30th to October 2nd most of the Town Council, Town Manager and Town Attorney will be attending the annual Virginia Municipal League Conference in Hampton, VA.

D. Proposals for Additional Items to the Agenda

None

E. Closed Session

It was move that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened this date, Monday, September 17, 2018, the Town Council met for personnel matters, specifically the interviewing of individuals for consideration of appointment and /or re-appointment to a Town Board or Commission.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.

And it was further moved that the Closed Session be continued to Monday, October 15, 2018 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A.(1) for personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards or Commissions.

*Motion: Councilmember Bloch
Second: Councilmember Noble
Carried Unanimously*

It was moved that Laine Hyde be re-appointed to the Board of Architectural Review for a two-year term. Said term shall be retroactively effective from July 6, 2018 through July 6, 2020.

It was further moved that James Brooke be re-appointed to the Vienna Town/Business Liaison Committee for a two-year term. Said term shall be retroactively effective from July 12, 2018 through July 12, 2020.

*Motion: Councilmember Bloch
Second: Councilmember Noble
Carried Unanimously*

Item approved as shown above.

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

5. Public Hearings

- A. [18-1014](#)** Joint public hearing with Planning Commission and Town Council on the temporary suspension of the Maple Avenue Commercial (MAC) Zone for a period of time between 120 and 270 days for staff to develop design guidelines.

See Public Hearing minutes attached.

A motion was made that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- B. [18-1012](#)** Public hearing to consider Planning Commission recommendations on proposed text amendments to Article 13.1. - MAC Maple Avenue Commercial Zone Regulations, Sec. 18-95.1. - Statement of Purpose and Intent, Sec. 18-95.3. - Procedure for

MAC Zone Designation, Sec. 18-95.4. - Permitted uses, Sec. 18-95.9. - Height limit, Sec. 18-95.14. - Site Development Standards of Chapter 18 of the Vienna Town Code.

Mayor DiRocco called the Public Hearing to order at 11:08 p.m. The Town Clerk called the roll and all members of Council were present.

Councilmember Noble asked a procedural question stating that since they voted to suspend the code as it stands, would it be better served to postpone this part of the Public Hearing to some date in the future when any prospective changes in code come back. Ms. Petkac that they would like to postpone the Public Hearing until a later date to be determined based on the process as they just discussed for the temporary suspension of the MAC. Councilmember Noble stated that then they would be coming back for a Public Hearing on a comprehensive set of amendments not simply the few they have agreed too or have been recommended by the Planning Commission plus some that may have not been recommended or some we don't even know about yet. Mayor DiRocco stated they will be having work sessions with the Planning Commission and the Planning Commission will look at this once they go through the visual design guidelines. Then there will be public hearings both at the Planning Commission level and at the Town Council.

It was moved to postpone the public hearing on the proposed text amendments to Article 13.1 - MAC Maple Avenue Commercial Zone Regulations, Sections 95.1 - Statement of Purpose and Intent, 95.3 - Procedure for MAC Zone Designations, 95.4 - Permitted Uses, 95.9 - Height limit, and 95.14 - Site Development Standards of Chapter 18 of the Town Code.

*Motion: Councilmember Sienicki
Second: Councilmember Springsteen
Carried unanimously*

"I move to postpone the public hearing on proposed text amendments to Article 13.1 - MAC Maple Avenue Commercial Zone Regulations, Sections 95.1. - Statement of Purpose and Intent, 95.3. - Procedure for MAC Zone Designation, 95.4. - Permitted Uses, 95.9. - Height limit, and 95.14. - Site Development Standards of Chapter 18 of the Town Code."

Or

Other action deemed necessary by Council.

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

6. Regular Business

A. [18-998](#)

Request modification of requirements for required parking associated with restaurant use at 133 Maple Avenue East

It was moved to approve the request for modification of requirements for required off-street parking associated with a proposed restaurant use at 133 Maple Avenue East, Units 100 and 100A subject to the condition that a specific location for bicycle parking is shown on their site plan submission as well as trail access.

A motion was made by Council Member Noble, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 5 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble and Mayor DiRocco

Nay: 2 - Council Member Sienicki and Council Member Springsteen

B. [18-997](#) Request approval of final plat for Malcolm Road subdivision located at 424 and 440 Malcolm Road NW

It was moved to approve the final plat for the 3 lot subdivision locate at 424 and 440 Malcolm Road NW contingent on a ground penetrating radar survey to be performed in an area of 120 feet by 15 feet by 10 feet deep with the results to be given to the Public Works Department and Historic Vienna Inc. with a representative from both be present at the time of survey.

A friendly amendment was made to make it contingent upon staff to be given the opportunity to attend. It was accepted by the motioner and seconder.

Councilmember Sienicki

Second: Councilmember Colbert

Carried Unanimously

A motion was made by Council Member Sienicki, seconded by Council Member Majdi, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

C. [18-1003](#) Intent to adopt ordinance amendment to Section 18-4 - Definitions - Finished Lot Grade under Article 2 of Chapter 18 of the Vienna Town Code as recommended by staff, the Planning Commission, and Town Council.

It was moved to adopt amendments to the Finished Lot Grade definition, as revised by staff and recommended by the Planning Commission, under Section 18-4 - Definitions of Article 2 of Chapter 18 of the Vienna Town Code and direct the Town Clerk to advertise a Notice of Adoption with an effective date of ten (10) days after publication.

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

D. [18-946](#) Request approval of MOU between the Town of Vienna and Vienna Business Association for 2018 Oktoberfest.

It was moved to authorize the Mayor to execute an MOU between the Town and Vienna Business Association for the 2018 Oktoberfest.

At this time It was moved to reconsider the Malcolm Subdivision due to public requesting to speak.

Motion: Councilmember Sienicki

Second: Councilmember Springsteen

Carried Unanimously

A motion was made by Council Member Bloch, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- E.** [18-966](#) Request approval of MOU with Vienna Little League to accept funds for preliminary engineering analysis for possible improvements to Southside Park

It was moved to approve a Memorandum of Understanding with Vienna Little League regarding preliminary engineering analysis for possible improvements to Southside Park.

A motion was made by Council Member Sienicki, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:

Aye: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Abstain: 1 - Council Member Springsteen

- F.** [18-986](#) 2019 Town Council Meeting Resolution for its Schedule and Calendar

It was moved to adopt the resolution to set the 2019 Town Council meeting schedule as presented and approve its inclusion in the 2019 Town Calendar

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 5 - Council Member Bloch, Council Member Colbert, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

Nay: 2 - Council Member Majdi and Council Member Noble

- G.** [18-1002](#) Request approval to increase spending and extend project area for Glyndon Street Improvements Design Construction

It was moved to increase the engineering services contract with Urban, LTD for the Glyndon Street Improvements project in the amount of \$12,300.

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- H.** [18-967](#) Award contract with Urban Ltd. to prepare a preliminary engineering analysis for a possible Southside Park renovation.

It was moved to award a contract with Urban Ltd. in the amount of \$49,450 to prepare a preliminary engineering analysis for a possible renovation to Southside Park.

A motion was made by Council Member Bloch, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- I.** [18-1000](#) Request approval for FY19 spending with Water Works Supply

It was moved to approve FY19 spending in the amount of \$22,000 with Water Works Supply.

A motion was made by Council Member Springsteen, seconded by Council Member Sienicki, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- J. [18-1005](#)** Request approval of vehicle purchases within the Vehicle Replacement Program for FY19

It was moved to approve expenditure of \$299,037.90 for replacement of the identified vehicles within the Vehicle Replacement Program (VRP), utilizing the identified cooperative procurement provisions.

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- K. [18-1008](#)** Award Town Hall BMP Parking Lot Improvements, IFB 19-04

It was moved to award the Town Hall BMP parking lot improvements project, funded at an amount not to exceed \$130,000 to LCS Site Services, LLC.

A motion was made by Council Member Bloch, seconded by Council Member Noble, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- L. [18-1001](#)** 320 Nutley St SW Performance Bond Extension Request

It was moved to extend the public improvement bond for the 320 Nutley Street subdivision for an additional 18 months to expire March 9, 2020.

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- M. [18-1004](#)** Request approval for payment not to exceed \$82,156 to Tyler Technologies for the standard software maintenance agreement.

It was moved to approve payment not to exceed \$82,156 to Tyler Technologies for the first year of a standard software maintenance agreement for the Police Department's computer-aided dispatch, law enforcement records management, and mobile data systems.

A motion was made by Council Member Springsteen, seconded by Council Member Noble, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- N. [18-1009](#)** Request approval to fund joint feasibility study to redesign Patrick Henry Library with

Fairfax County

It was moved to appropriate funding in an amount not exceed \$75,000 for the joint Town-County Patrick Henry Library feasibility study.

A motion was made by Council Member Springsteen, seconded by Council Member Sienicki, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

7. Meeting Adjournment

It was moved to adjourn the meeting at 2:02 a.m.

Mayor DiRocco called the Public Hearing to order at 8:44 p.m. The Town Clerk called the roll of Council and all members of Council were present and the following members of the Planning Commissioner were present: Gelb, Miller, McCullough, Basnight, Kenney, Baum and Couchman. Commissioner Meren was absent.

Ms. Cindy Petkac, Director of Planning and Zoning explained the proposed timeline to develop the Design Guidelines as the matter that is before Council for a temporary suspension of the MAC for staff to develop Design Guidelines. She thought it was appropriate to talk about the timeline that staff, regardless of the outcome of the Public Hearing, will be following going forward. In October they will be issuing a visual preference survey to all of the community to complete. It will be an online survey to see what Vienna's vernacular is. There will be an image and people will rate that image on a scale of 1-5. The images are organized around site design, building design, landscaping and things like that. Based on the information and feedback from the community they will work with the Board of Architectural Review to find out what that guidance is. All the images are places around the country showing buildings up to four stories and really gets to what they have been discussing in these MAC proposals that have come before Council. The visual preference survey will be online sometime in October and once it is up they will put information out on social media. If people don't have computers or would like assistance from staff they will have office hours with computers set up at town hall for people to come in and staff will help them. The dates of the office hours will be publicized. They will be distributing flyers during the Halloween parade and they will have a booth set up and the Farmers Market in October just to get the word out. Right now they are working with the chairman on developing the images for the survey and once they have a set of images they will take them to the BAR to finalize it and get it sent out. The BAR will be leading the design guideline process with staff in November and December to come up with our design guidelines and any code changes that are required in the MAC. Concurrent to that, they have already started working with the Planning Commission coming out of the recommendations from the adhoc committee on the MAC and they will marry those two together and as they move forward with whatever design guidelines and code changes, they will have some public meetings, public input and public hearings and all that will come back to Council. They are looking at a six month process and they expect to have something to Council in March.

Councilmember Majdi asked Ms. Petkac to explain more about the steps that we are going to take for the code changes. Ms. Petkac stated there are two sets of code changes. There is the code changes that were kind of underway this summer related to how can we ensure that we maintain a commercial corridor, some other tweaks that they are looking at to the "purpose and intent" statement and some provisions regarding height. At the last Planning Commission they decided to hold off on any further discussions or recommendations based on what comes out of this public hearing tonight. The visual preference survey will assist the Board of Architectural Review in defining a set of design guidelines which is a separate document, a very visual document that will be referenced in the code but there may be some tweaks to the design standards that we do have in the MAC. Until they get the results of the visual preference survey they don't know what they are right now but those will be coming forward and will discuss with the BAR. Once they have made a recommendation on a set of design guidelines

they will have a public meeting and will present out what the design guidelines are and the proposed changes to the MAC. At the same time they will re-engage the Planning Commission on the MAC changes and the other code changes they have been discussing and then package all of it together to bring forward. Councilmember Majdi asked if they wanted to suggest something like building breaks, at what point do you make that suggestion and when is it considered. Ms. Petkac stated that would be coming out of the discussion out of the Visual Preference survey with the Board of Architectural Review.

Mayor DiRocco stated the guidelines for the public hearing. She further stated that if the MAC is suspended then the suspension will be effective 10 days after the publication in the newspaper. Before that time property owners or developers can submit a MAC application and the town will accept it. If the MAC is suspended, no applications will be accepted by the town until the suspension expires.

Ms. Toni Potter, 400 Roland St. SW is speaking on behalf of her husband Steve who was unable to attend. She stated that when they are looking at these visual preference guidelines she hopes that the image for the design guidelines include the original picture from the cover of the MAC guidelines. She thinks most of the citizens would support that, she thinks it is the vision they expected and it works for the town. She further continued reading a statement from her husband Steve who was unable to attend the meeting. It stated that next to the last attachment in the public hearing section, the summary of public hearing comments highlights that proposed changes being presented and also additional citizen comments along the border. The list is quite extensive and includes a broad range of comments ranging from tying MAC's purpose into the approval process to the need for fiscal impact analysis, to lowering the maximum height, to open space requirements, approximately 18 topics listed. These comments will need to be addressed moving forward as a part of the MAC review. Combine them with those you receive via public comments, emails, feedback from the petition related to turn down the 444 Maple Ave application and send it back to the drawing board, which to date has received 1,100 signatures. According to the staff report in tonight's agenda an ad hoc committee was formed last spring to research and develop potential amendments to the MAC that would ensure future mixed use development would not result in a loss of commercial activity along the corridor but rather provide a balance mix of housing, office and retail use. Subsequently several proposed text amendments to the MAC were discussed in May, June, July and again tonight. This effort has involved amendments to 5 sections of the MAC and has taken at least 5 months to date. The concern is that the timeline for developing the visionary design guideline and MAC amendments presented this evening started in September and ends in March. That is 6 months and will include amendment discussions relating to 20 sections of the MAC. If it takes five months to review and develop recommended amendments for five sections then how many months will it take for 20? Logic tells us it will be significantly more than six months. Given this, the current timeline does not seem realistic, this is not a process that should be rushed through. The stakes are too high and the long term implications are too great, Vienna will have to live with these decisions for many decades to come and for these reasons they ask that Council please consider extending that timeline.

Ms. Cindy Miley, 204 Paris Ct. SW stated that in addition to the petition to turn down 444 Maple Ave it also said to put the MAC Zoning regulations on hold to allow proper time for review and re-wording to make them consistent with smart growth and MAC's original intent to ensure that development along the corridor promotes Vienna's small town character and does not compromise the character or residential neighborhoods. There were 1100 people who have indicated that they want the MAC put on hold and she would reiterate that additional time is probably required.

Ms. Laura Bligh, 226 Glen Avenue SW, thanked the Mayor for mentioning the ten day delay before the implementation of the MAC suspension should they vote on that and she would like to know why there is a ten day delay which seems to violate the spirit of doing it at all. It seems to her that we will have a lot of quickly put together projects being slipped under the door on the last possible day and she objects to this. Mr. Briglia stated this was part of the Town Charter and all ordinances, not just zoning, has to be advertised. We advertise an Intent to Adopt and a Notice of Adoption which we have, and if Council is so inclined to adopt the Ordinance then the effective date is ten days after the publication and the Town Clerk advertises on Thursday's after a Council meeting. That is in accordance with how every ordinance is adopted, amended or appealed. It is in our Charter which is approved by the General Assembly and we can't amend that. Ms. Bligh stated for the record in so far as her opinion counts, she objects. She would like to urge the Town Council and the Commission to make a commitment to affordable housing. Clearly the MAC Zoning is becoming much more about housing than about commercial and most of the little houses around Vienna are getting replaced by gigantic houses so she believe affordable housing is becoming ever more important to make it possible for retirees, teachers and lower income people to be able to be a part of the community. It has been mentioned that the Commonwealth of Virginia requires there to be a density limit that a town can waive in order to incentivize affordable housing. She urges them to set the limit very low to make it easy and appropriate to offer and incentive for affordable housing.

Mr. Barret Kashdan, 501 Glyndon St. SE stated that he agrees with the former speaker in that we do need housing that is affordable for people here. He is concerned about the over development in the town. The traffic is a mess and it is getting worse. He is hoping that they don't close Giant or Whole Foods, they are the two shopping supermarkets that people count on and even if they redevelop it they are very concerned about that. He is hopeful that they are not going to bring in more condos to the town which is the rumor, high rise condos, because Maple Avenue cannot afford that traffic right now. He is very concerned about over development in the Town of Vienna. He does not want anyone to be awe struck by developers saying they can bring in a lot more revenue by building condos because if we don't have roads that can handle the traffic then we have a really serious problem here.

Mr. John Pott, 134 Wade Hampton Dr. SW stated that the moratorium is a smart way forward in a difficult situation but when we revise the MAC there must be a clear statement of quantified guiding economic objectives and we definitely need outside assistance, 270 days will barely be enough. Running a town is like running a business and businesses with clear objectives are driven by numbers, visuals will just not suffice. For density, don't pull the figures out of the air in relation to developer applications, don't compare to the likes of Herndon and Fairfax as each

has their own problems, think for us our Town Vienna. Our town's number one challenge is the heavy congestion in the MAC corridor and limiting it should be the prime factor in determining density. Please do this with a quality consultant to determine the building density which will protect us from otherwise disastrous congestion on Maple and hazards to our neighborhood streets. It is definitely not the five high 57 units per acre. Dispose of the by right C1 development fears by doing the math, developers will simply not risk 50% retail square footage required and the negligible return they will make, go further, think of an adjusted C1 with only a modicum of retail as a complimentary alternative to MAC. Please do the figures to identify the infrastructure costs of adding a 1000 more residents to the town before you claim the fiscal benefits. Give profound thought as to how the developer and the town are enforceable required within the MAC code to have an early dialogue with town residents.

Mr. Mike Arens, 207 Glen Ave thanked Council for taking the time to reassess the MAC guidelines. The draft changes touch on some of the issues that struck a chord with residents though the updated MAC language still lacks key detail. He asked Council to consider the following five topics as additions to the MAC guidelines: 1.) there needs to be language about traffic management, Vienna needs a traffic plan. Traffic is one of the top concerns of residents and the MAC document does not mention traffic once. The town needs to develop strategies to prevent cut through traffic being pushed on small neighborhood streets. Traffic concerns can't be ignored when Vienna is inherently located as a cut through between 66 and Tysons Corner and the MAC plan aims to drastically increase housing. A strategic goal of MAC is to deter cut through traffic into Vienna and to enhance the viability of public transportation. 2) There should be much stronger language about varying building heights and a provision preventing the continual height of a building beyond a certain length. This addition is particularly important for rezoning applications hoping to combine lots and construct very large buildings. 3) The 54 feet 4 floor height should be reduced to 3 floors and add language that Church Street is an example to mimic. Much of the controversy over MAC is due to the large scale and height of the buildings, reduce the height of the MAC allowance. 4) There needs to be an independent neighborhood impact study for the MAC corridor before any further MAC applications are approved. 5) The public engagement plan for each project needs to be a requirement not just a recommendation. Additionally, each developer's plan needs to include the details of who was contacted and what information was shared. Further this outreach needs to happen across a substantial percentage of Vienna's residents, MAC affects us all. Current projects such as 444 Maple and 380 Maple have laughable levels of neighborhood engagement at inception. Lastly, MAC projects still pending approval should be disapproved and then forced to re-submit for review under the new MAC guidelines. Councilmember Noble asked Mr. Arens to clarify what elements he was thinking should be included in a neighborhood impact study. Mr. Arens stated traffic, school, real costs not just tax revenue, affordability etc.

Mr. Chris Hogan, 226 Glen Avenue SW, stated that he wants to emphasize that he keeps hearing the word "tweaks" with regards to the law. He asked if tweaks will include things such as the height of the buildings and the economics that are driving this such as an overall traffic plan. His impression is that the height of the buildings has been off limits for years and if that continues to be off limits then tweaks are not going to satisfy citizens' concerns about these

projects. While they are reviewing this law he asked that they do a thorough review, tweaks are not going to do it.

Ms. Estelle Belisle, 200 Ceret Ct., stated that she strongly supports the temporary suspension of the MAC ordinance of up to 270 days or for as long as necessary. Not only to develop design guidelines but also to review and recommend any other amendments needed to improve the text. At the Mayor @ Your Service forum, Mayor DiRocco stated that the MAC ordinance would be amended through the introduction of Visual Guidelines and in response to both citizen feedback and the experience gained from two approved proposals and a pending one. As suspension affords the opportunity to address the MAC as a whole which is critical to ensure that Vienna gets the type of development it wants and more specifically the town's regular business is not hand strung time and again by massive resistance to future MAC rezoning applications. Among many other issues the current MAC fails to address building mass, density and contiguous or public open space. Due to time constraints she will limit her remarks to building mass. If the ten acre Giant shopping center were a candidate for rezoning, nothing in the MAC would prevent a single structure from being built on the site. Indeed this absence of specific regulations on building mass has made it possible for the developer of 444 Maple Ave to propose a single building larger than a football field on a 2.8 acres site. Another concern about building mass has to do with required setbacks. A minimum of 20 feet and a maximum of 64 on Maple, a minimum of 15 and a maximum of 64 on side streets and a minimum of 20 abutting a residential lot at the rear. Will developers choose a higher number when the minimum allows them to build larger buildings? The bottom line in addition to giving the developers an extra floor in exchange for certain aesthetic features, like landscaping and non-public open space, permits building footprints that maybe 2 or 3 times larger than existing ones since parking isn't allowed in front of buildings and developers may opt for garage parking in the rear. Thus under the MAC developers get both larger and taller buildings. She provided a handout showing the footprints of the existing and the proposed building at 380 Maple West, the proposed building is more than 3 times the size of the existing one. Lot coverage has not been a problem on Maple in the past but it is now. Perhaps a required minimum of 15% of open space that includes sidewalk landscaping may not be sufficient for our small town. She knows that she speaks on behalf of many Vienna residents in insisting that any temporary suspension be used to address not only design guidelines but these and any other obvious flaws in the MAC. She asked the Council to approve a suspension that goes beyond simple design guidelines.

Mr. Ray Brill, 501 John Marshall Dr. NE stated the MAC plan that Council has put forth will affect this area for years, even decades. The idea of rushing through it to meet an artificial deadline of 180-270 days makes no sense to him at all. If you are going to do it, do it right. If it takes a year to a year and a half, then take what time is needed and make sure you have public input every step of the way so we don't have citizens as upset as they are now. He sometimes gets the idea that the Vienna he loves is trying to be a mini Tysons and he thinks that is the wrong way to go. The idea that we are trying to increase the number of businesses to increase our tax base so are assessments are lower, is the wrong headed argument. We want businesses, small businesses, we want the small town charm that we have but we don't want to sacrifice it

just to have businesses. The idea of four story buildings down Maple Avenue packed with cars is something that he cannot envision. It seems daunting to have all these condos or apartment buildings next door to us is one of 17 units, 9 of which have been purchased or in the process, but when you add 160 in compared to the size of the 17, it is beyond comprehension the impact that it will have on the aesthetics of the community. The traffic estimates that have been put forth are all optimistic, they are not realistic, they are not going to be that way, and the traffic is quite grim. He wants Council to focus on what makes us great, what makes us desirable, what makes this community number 1, 2 or 3 in all the various surveys that you look at. We should focus on quality, quality and quality, no short cuts, no monolithic buildings, it should be charming. We were a charming town before Tysons Corner store even got off the drawing boards. We should remain a charming town, we should be a community and a town first not some business corridor. He wants Council to postpone this and re-look at every aspect of it for a minimum of 270, 360 or even longer and he wants us to get it right.

Mr. Alex Gallegos, 130 Wade Hampton stated that he also objects to the 10 day grace period. He asks Council how can we amend this so we don't have the 10 grace period rather than what we have right now. He further stated that during the Board of Architectural Review he would ask that they think to maybe incorporate some residents in that process because any visual preference survey of a nice aesthetically pleasing building is exactly that, a survey with a nice aesthetically pleasing building. If you don't have residents in there you will have the same problem you have now. He asked Council to think about that and ask some citizens of Vienna to be a part of that process as people have eluded to already. He would like Council to consider what Vienna is all about.

Mayor DiRocco stated that our Charter is something that is approved by the General Assembly and asked the Town Attorney to clarify. Mr. Briglia stated the Town Council can amend the Charter. The General Assembly grants cities and towns a Charter and that governs how we govern local.

Mr. Joe Daley, 412 Roland St. stated that he agrees with just about every single word that his fellow citizens have spoken. To him the dominant requirement in the MAC is to maintain the small town character of Vienna. That is the dominant requirement, the dominant publicized requirement and this is totally inconsistent with the tall high density monster buildings that have been proposed. He encourages Council to look at the various, best, smart towns in America. There are 150 illustrations of the best cities and towns in America and there are only 3 of those photos that show buildings that are taller than 3 feet. Vienna was 3rd on the list but they will turn Vienna right out of those lists if they approve monster buildings all along Maple Avenue. There is no mention in any of those ratings of tall high density buildings, there is mention of small towns, small shops, antique places, recreation and schools, not one single mention of tall high density buildings. Even in NY City, in the suburbs, they have restrictions limiting buildings, in some cases, to three stories. Recently other small towns have recommended that zoning heights be restricted to two stories or 30 feet. Another Planning Commission in another town voted to recommend their city approve a three story limit. These are directly opposite of with these high density facilities that the MAC may encourage to be built and he asked that they please don't follow that path.

Ms. Nancy Logan, 410 Millwood Ct. stated that she certainly backs up everything that has been said. Being a marketing person she tends to look at this as our brand, who are we? The last time she was here she heard a lot of talk about what makes a small town, the people and so on and so forth, but it really is visual. She thinks there is a great opportunity that Vienna is missing of being this corridor of one of the nation's most popular tourist destinations. We are so cute and take our pride on Church Street and yet we are not looking to replicate Church Street, we are looking to replicate Falls Church, Tysons or Mosaic. We kind of have an identity crisis of where we really want to go. We talk about it being four stories but it is really close to six stories if you count the actual height, but it has to visually look like four stories. So we are just really confused about what we really, really want and what we want to look like and act like. She would love Vienna to be unique how it is and she would like us to really strive and be different. Let's go and be a shining example of what smart, thoughtful, human development in the town can be, especially with citizen input. She really thinks if we work to succeed we will. If we take the time that is needed we will do it right and she thinks we all deserve that and Council can do that.

Mr. Hermes Aleman, 104 Sherman Lane stated that they came to Vienna about ten years ago and fell in love with the town. One thing that caught his attention is when he sees the teenagers walking around town, going to the stores and riding their bikes. Previous speakers mentioned the increase in traffic and he knows they said it will improve but he highly doubts it. If you have a hundred units and you take a two income family that's two cars and if you have a teenager it is another car so how is this going to improve, are we getting mass transportation are they demolishing buildings and widening the streets, he doesn't think so. He is all for growth, he used to be a family banker, he is a capitalist and he knows that it is all about maximizing profit with the developer and there is nothing wrong with that. We the citizens want Council to please take your time and listen, what are you going to do, are you going to do a work or art or tweak here and tweak there. What will be very sad is that we over build and now it will be unsafe for the kids to be walking. He used to bike around town but has decided not to because of several close encounters about five years ago, traffic is worse now. He would like Council to please consider what all the citizens are saying and take your time, don't feel rushed, you have the power to tell the developer to hold on.

Mr. Jay Creswell, 404 Millwood Ct. SW stated three points. First, he thinks they should suspend or deny the currently pending applications so they can be properly reviewed under a much improved MAC plan. In his neighborhood they could be stuck with two monolithically large buildings while the rest of the town has more appropriately scaled buildings and that is not going to benefit their neighborhood very much at all. The second thing is they should consider the plans seriously because they are reducing the MAC zone density. If you want to maintain a small town you kind of have to have moderate density. Third, he suggests they reconsider the extent of the commercial space requirements.

Ms. Jayme Huleatt, 413 Roland St. SW urged Council to vote yes on this moratorium and take as much time as they need to look at everything. She hopes they don't just look at the visual guidelines and then change the code. She thinks it is clear from the property and the building plans that have been submitted by developers recently, the ones they approved and the ones

pending, that these buildings don't rise to the level of the purpose and the intent of the MAC for the development of Maple Ave. A more comprehensive review of the MAC should be undertaken based on the experience that they have gotten from these other projects as well as all the feedback they have been given. She has ten items that she thinks they should look at, it includes size and everything else. She would like Council to take a look at the whole incentive issue, she does not think anyone has talked about it much but Council gives incentives as part of the MAC, for example a parking garage, and with that parking garage you give a bonus if someone puts it underground or in a structure and that means 100 spaces are considered to be 125 spaces but that same parking garage also is counted as an incentive to reduce the number. Somehow this parking garage is being doubly used and she doesn't think that is quite fair. She also thinks some of the incentives are just things that you would do anyway, like recycle or a bike rack that you would want to attract your residents. Why that is considered an incentive and the incentive allows them to have a more impervious surface or reduce their parking. It seems to her that we are giving very generous incentives for very little that we the town get back from it. Another thing is the filtration system that is allowed. She thinks it has been changed more recently and it is more stringent on how the water will be filtered out but that is an incentive and she urges Council to please look at that.

Ms. Ekaterina Shatski, 707 Ware St. stated that she was not prepared to speak but wanted to say that it is a nightmare in the morning to cross Chain Bridge just to get to the school. Traffic is overloaded and it is hard to imagine what will happen if a big building is built.

Mr. Frank Baros, 200 Ceret Ct. SW wanted to address the two items that are on this public hearing, mainly the suspension of the MAC and the MAC amendments that are up for consideration as well as what is intended to be done with regard to the design guidelines. He supports the suspension proposed although he would question if four to nine months is sufficient to consider the amendments that need to be made or addressed, especially those that relate to density through design guidelines or architectural styling. However, he believes the suspension should extend to currently pending as well as new applications during this period. That would include projects such as 444 Maple Avenue and potentially 380 Maple Avenue which he understands is very near the application stage. In his opinion a developer who has no vested interest or right in an existing or anticipated zoning unless and until the developer has incurred substantial expenditures on the development, namely construction costs, and has received final discretionary permit approval from Town Council and neither of those things have occurred in respect to these two developers that he refers to. Therefore, the town has discretion to go either way but he requests that Council consider suspending those pending applications during the suspension period. With regards to density, the MAC amendments appear to address density issues primarily through setting a dwelling unit per acre standard and at least aesthetically through the design guidelines. He understands the design guidelines would not be mandatory, they would be discretionary on the part of the developer and he questions on whether they would have any impact whatsoever on what they are trying to address, namely building density and mass. The approach is insufficient, therefore, to address these two issues the proposed dwelling unit per acre standards are insufficiently controlled density, in fact the staff recommendation of 60 dwelling units per acre for properties less than

five acres and 50 dwelling units for properties greater than five acres appears to be set to merely validate and permit the 444 developers application involving 160 residential units. To its credit the MAC Adhoc committee changed the standard to 50 and 40. For the MAC amendments themselves the dwelling unit per acre standard should be set, in his opinion, at least at 25 dwelling units per acre with up to 40 possible depending on how many studio and 1 bedroom apartments are in the structure. Further there should be a minimum various set for each dwelling unit, minimum floor area, of 1500 sq. ft. to control density within the building. Regarding the so called design guidelines the density and building mass should be addressed through a series of design standards rather than guidelines, standards that are to be met by the developers rather than considered by the developers. Not enough time to consider all the possible design standards to regulate density, some are in the MAC currently and he pointed out three that he thinks are important that may be in the MAC but with his suggestions or recommendations. First, maximum floor area, if the first story is considered to be a 100% in floor area then the second story should be 90%, the third story 80% and the fourth story, if allowed, should be 75%. There should be a maximum building length of 150 square feet, 444 is in fact well over 300 feet and much too large. If the building lengths were controlled through the design standards he thinks the mass issue may be addressed to some extent. With a minimum of 10' per story space between the adjacent buildings, maximum stories should be three not four, four should be considered as an exception for portions of buildings in the center of the property which are at least 25' away from the building wall. Maximum height should be 45' not "the lesser of four stories or 54 ft." Setbacks for each story should be set for the structure as well which would be set back from properties adjacent include residential single family residences.

Mr. Dan McLean, 426 Millwood Ct. stated that he is new to town but has been coming to all the meetings and at the last meeting he thought that some of the comments made by Council members were somewhat disturbing. One person said that a town is not a building and the first thing he thought about was why don't we become Tysons then, why stop at four stories, let's go 60 stories. The traffic Engineers are not held accountable if the traffic increases by 40 or 50% are they going to reimburse us for their mistakes. He is a CPA and if he submits false documents he can be civilly and criminally charged. He doesn't believe these traffic engineers. His biggest comment is that it is pretty evident that the new buildings, the retail at Courthouse and 123, the pizza place and Taco Bamba has been regenerated and there is a lot more traffic in there now. As he jogs by there the turns off of Maple and Courthouse can be 6-7 cars deep and this is a complex that has 6 access points and no residential people that live there and he thinks of this monstrosity with only two access points and how crowded that is going to get during rush hour with people trying to get in those little access points. He doesn't understand what the builder is thinking, people are going to be unhappy. He really worries about drive through traffic through his court and people parking on their street.

Ms. Sheila Daout, 607 Thelma Circle SW stated that Vienna was a small time when she got here 25 years ago and she has watched in grow, slowly, but growing. She stated that the old McGruder's shopping center, which she still uses the dry cleaner that she could walk there faster from her home than to come down Courthouse and try to get in there and then there is no

parking. The same thing with Southern States, they took Southern States and put in seven businesses and there is no parking. Parking aside the traffic on top of that makes everything so stressful. She is retired now and has more time to sit in traffic but she doesn't want to and she doesn't think many people do. Her concern is traffic if the monstrosity is built on Nutley and Maple. She has huge concerns and hopes Council will consider this very carefully before this goes through.

Mr. Dale Griffis, 109 Oak St. SW stated that one of the reasons he likes Vienna so much is the small town aspect of it and he wonders why we are delaying this kind of development. Don't we have enough revenues to take care of normal infrastructure and that sort of stuff. Do we need to build what is going on in Clarendon and Tysons? We already over crowd our ball parks, the parking and the traffic is horrendous. Have we ever considered putting a tunnel under 123 all the way out to 66 from Tysons like they discussed when Metro was put out here, we could do that. Put some on and off ramps in a couple of places to allow thru traffic that goes between here and Manassas to come and off if they have commercial use. He has not seen any studies to look at that aspect. There are institutions here in town that have been around forever, like the Vienna Inn, and this kind of development is going to destroy these businesses, they will be gone and it will totally change the character of this town. He is asking Council to take their time and consider this.

Mr. TR Cook, 135 Park St. NE stated that he has been here from many years, enjoys Vienna and appreciates Council being here. The volunteers in this town and the staff makes it really a happy place to live, he has enjoyed it for a long time. There are answers available to all of our questions we just started off a little bit with the answers before the questions. One of the things that concerns him is if we give the permits for people to take down business and rebuild do we have any recourse for them or not but it is really expensive for them to stay and wait. Meetings like this are very valuable and we need them up front. There are a lot of things you see on the internet on small towns and we can pick up things from other towns. Herndon is in the same process we are, they have a little beltway, and they might have some help that would apply here. A lot of the rules have already been tested and could save us the headache and heartache that we go through.

Mr. Richard Boyd, 217 Moore Ave SE stated that they have heard in varying degrees and a lot of concerns about the development and he agrees with that, he has strong concerns about the development, he thinks it is going in the wrong direction for what makes Vienna unique and a great place to be. He stated someone had mentioned earlier that Council has the power and that power is something that comes from the people in Vienna and ask Council to consider the thoughts and the wishes of the people of Vienna as they execute their decision making.

It was moved to close the Public Hearing

Motion: Councilmember Bloch

Second: Councilmember Colbert

Carried Unanimously by Planning Commission and Town Council

The Planning Commission moved to the dais for their part of the public hearing.

Chairman Gelb stated this is a rather new situation for members of the Planning Commission to make a recommendation at the same time with a joint public hearing and they will do their best to do it correctly. He thanked everyone for their input and providing their suggestions not only tonight but over the last several months. They have been very helpful and illuminating and they appreciate everyone taking the time. He has been a resident of Vienna for over 32 years as well as other members of the commission have been here a long time as well. They share the concerns about the community and preserving the character of Vienna and different people have different opinions about how to do that but he thinks they all have the same goal in mind. What the Planning Commission has before them is to make a recommendation to Town Council on whether or not to suspend the MAC Ordinance and also to recommend a time for that suspension if that's what they recommend. Council has previously suggested as much as 270 days and with that he opened up to the Commissioner for each one to make their comments about the issues before them.

Commissioner Miller thanked all the citizens for participating in the Public Hearing and he would like to move this along as quick as they can this evening. He stands in favor of suspending the MAC.

Commissioner McCullough asked Ms. Petkac in terms of the Design Guidelines, if she could confirm how this is going to play out. With the work that has already been done on the MAC would they be suspending any work until after she has completed the survey and worked with BAR or is she envisioning that the Planning Commission would continue during the Design Guidelines period and do some work on the language of the MAC. Ms. Petkac stated both. She thinks right now they want to focus on the visual preference survey which is for everyone in the community to participate in and provide guidance on. Coming out of that the BAR will look at the results of that survey and start to formulate the guidelines and then any changes to the standards. Coming out of that and seeing what direction it is going in, they can then start up where they left off on all the other ordinance changes and see what other changes they want to address.

Commission Couchman stated that she has been a town resident for 6 1/2 years which doesn't compare to Chairman Gelb's 32 years and Commissioner Miller's being on the commission for 25, however, that doesn't mean that she cares any less about Vienna and is equally entitled to express her concerns, and offer her input, as to what she thinks would continue to make Vienna the wonderful place that it is. She thanked everyone for coming out and appreciates everyone's concern. What she places the most value on in the MAC code is the statement of purpose and intent and there are some revisions to that which are being proposed and we have all read and re-read that statement numerous times. Of all the parts of the MAC she wants that to really stand out for all of us as to what the MAC is about. The MAC was put together with a highly qualified consultant team and they have highly qualified staff working for the town right now, it is employee appreciation week and she thanked Director Petkac, Deputy Director D'Orazio and all the rest of the Planning Department staff. She asked that they keep them in mind and keep all the work that they do for us in mind as we think about this. The height requirements

and to a slightly but only slightly less extent the parking requirements, seem to be the most hotly contested parts of the MAC but she thinks they are necessary incentives. MAC is a give and take process and she stressed that it is a process and not just code. By right development, that is, on behalf of the developer, take as far as she is concerned. But the MAC is our opportunity to take a little and sort of turn the tables. She feels that there is sometimes confusion about the power that the MAC gives, not just Town Council or Planning Commission, but everyone who lives in this town. As part of that process you have to get into the nitty gritty of individual components like sidewalk widths and setbacks and all of those feet and inches but those were established through the process years ago, again with committees that involved residents, town employees, professional consultants and there were case studies, there was research done. Everything you see in the MAC was not plucked out of thin air willy nilly, there is a basis for it. Her concern is that if we start messing around we will start making arbitrary determinations and we will lose our basis that created the MAC we have now. Developers will find a way to work around the feet and the inches and we may end up with unintended consequences that will be far worse. She believes that the process is working. Think about 444 Maple, that project has stalled because the public has come out and it is that give and take, it's the public process that we have through the MAC that we completely lack otherwise. One speaker said, referring to Town Council, that Town Council has the power but in fact, the MAC and the public review process, the public hearing process gives our residents the power, they spoke and the developer listened. One gentleman asked that the residents be included in creating the guidelines we are talking about and again, that is what MAC does, it involves the public. She would rather have a code that is more vague so that we can hold each project up to the statement of purpose and intent and we can approve it or not approve it based on feedback we get back from the public and based on how well it stands up against our statement of purpose and intent. With by-right development we are hemmed in to those ordinances that say the setback has to be X and the height has to be Y. As long a project is in compliance with all of those measurements we can't turn it down. Her fear is that if we get too specific with the MAC and we spend too much time tweaking and nipping and tucking, we will find ourselves in the same position where we have to approve it because they have checked all the boxes. She would much rather that each project come to them, they can review it side by side with the statement of purpose and intent and say is this what we set out to do, does this really answer our statement of purpose and intent, and if it doesn't then we can turn it down. She just hopes that folks will have confidence in the process because it is working.

Commissioner Kenney stated that in general he thinks it is a good idea to suspend the MAC and get as many of the comments that they have received over the past several months addressed, as best they can. Clearly the density issue is up there and is one of the top issues they have heard about and that's fine and is specific to this suspension and is up to Town Council. He hopes that they will consider a few other things wrapped into this and that is at their discretion to give us direction on that. The next biggest item which they have heard from virtually everyone, is traffic. He hopes we will wrap into this some comprehensive traffic plan from an outside consultant. He thinks some other concerns they heard about is utilities and he hopes they will do a separate analysis and report on how these MAC projects impact the overall utilities in the town. He hopes we can do some sort of a study, at least generically, on schools.

We have been told that Fairfax County Schools are Fairfax County's schools, they are not Town of Vienna Schools but we can summarize where we stand at the moment, capacity levels and what not. He has heard several residents mention affordable housing and he thinks they should look into how they can incentivize that.

Commissioner Baum stated that given there is a myriad of issues, questions and concerns she pointed out that there is an idea floating around that they want to suspend the MAC and there is a time limit that is also being floated around which is not to exceed 270 days. Her concern is what avenues do they have if they suspend it and they realize 270 is not enough, do they still have an avenue to continue.

Mr. Briglia stated that they would do the same thing they are considering tonight where upon recommendation of the Planning Commission the Town Council can amend the zoning ordinance again and could add time. If it went faster, likewise you could shorten that period of time if you have time to advertise it. The reason you do a joint hearing and the reason why it was done tonight is it expedited the process to consider the suspension.

Commissioner Gelb stated this was advertised as 270 days and asked if the Planning Commission wanted to make it longer, would that be within our discretion or are we limited by the 270 days in the public notice.

Mr. Briglia stated they can give their recommendation to suspend the ordinance, not suspend the ordinance or recommend a time. The Council cannot adopt a suspension longer than 270 tonight without re-advertising.

Commissioner Baum stated that she thoroughly supports the idea of suspending the MAC and hope they have sufficient time to explore all the concerns and address them all.

Commissioner Basnight stated that he was dead set against this. Her certainly thought they could work through leaving the MAC in place and continue as they had in amending and changing things as needed, however, he believes since everyone feels so strongly about it that they should suspend the MAC. He also thinks that they should recommend for 270 days and leave the rest of it to Town Council.

Commissioner Gelb stated that he also supports the suspension, in fact he thinks in a moment of either delirium or wisdom, he may have been the first person to publicly suggest that at a work session some time ago. At the time he didn't know if it was a good idea or a bad idea, he just thought they should think about it. This is one opportunity and he hopes it is the last time anyone has to recommend suspending this ordinance. He would like to see them get it right and hopes they can do it within the 270 days and if it turns out we can do it quicker then so be it. He does support the idea

and thinks it is an opportunity to get it right, he hopes. Citizens are very concerned and they have a right to have those concerns aired and considered properly, they had some good ideas and good suggestions. He doesn't agree with everything but there are a lot worthy of consideration.

It was moved to recommend to Town Council to suspend the MAC and recommend the time frame of 270 days.

Motion: Commissioner Basnight
Second: Commissioner Baum

Commissioner McCullough stated that she will support suspension of the MAC. She has some serious concerns that we as a town are at this position and believes that a lot of the work that has been going on here by the members of the Town Council, the Planning Commission, the BAR and the town employees is based on fear and she thinks that is very sad for our town. There has been a segment of the town that has pushed us into this position and she would just hope that we don't take more than 270 days because a lot of regulations and legislation get enacted and after they are enacted they find the problems that have occurred, and then what you do is you amend the regulation, you don't suspend it and you don't put a moratorium on it. There is nothing really bad about the MAC, we just have a project that a lot of people don't like. She thinks it is important for us to consider, going forward, that the MAC has taken years and years of work from a lot dedicated people, and they did come up with a pretty good program to try and help save and grow this town, not necessarily for the people that live here now but for the people that are going to live here 20, 30 and 40 years from now. It was a vision, it wasn't set in place to take care of us sitting here today and she hopes everyone thinks very carefully and realizes that we shouldn't delay this. We have people interested in growing and building our town and if we go past 270 days then we risk a really small town character with a lot of empty buildings and that would be the worst thing that would happen to our town.

Commissioner Kenny made a friendly amendment to use the recommended formal language they should be using as follows:

It was moved to recommend the proposed temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code for a period of 270 days.

Commissioner Basnight and the seconder of the motion accepted the friendly amendment.

Commissioner Gelb stated that he does think Commissioner McCullough made a lot of good points and he does support the suspension because he does think there are some

things that can be improved or fixed and he also thinks that she is correct and that would should not take longer than necessary. We should think carefully of the consequences of changes or directions because we have unintended consequences with any act or piece of legislation and likely any changes that are made will also have unintended consequences. We just have to hope that we get it as right as any group of human beings can get.

The Town Clerk called the vote from the Planning Commission

The motion carried with a vote of 7-1 with Commissioner Couchman voting Nay.

It was moved to close the Planning Commissions part of the Public Hearing.

Mayor DiRocco thanked the Planning Commission for their comments and recommendation as well as the citizens for all their comments.

Councilmember Colbert stated that she really appreciates all the comments made by the Planning Commissioners on this. She does think that 270 days is probably safe, it does look like they have a lot of things to go through but she hopes they try to finish earlier than that. Just because we have 270 days it doesn't mean we have to take 270 days. She is fine with that but let's try and move it along as quickly as we can.

Mr. Briglia stated that if they were going to discuss a specific number of days he went ahead and pulled up a date calculator, in the proposed ordinance that he drafted as part of the agenda, it has a date certain and he thinks that is probably good. Rather than putting days in the ordinance, put the date that the ordinance is suspended to. Depending on what date they pick he can put it in the date calculator assuming the publication date is September 20th, and he will give them the exact date for the motion in the ordinance. They can say the number of days effective until and a date it will expire.

Councilmember Noble asked Mr. Briglia if he has a date calculator can he back up from that date certain, hypothetically, if they needed to extend it, what meeting would they have to get that extension into the pile for.

Mr. Briglia stated to extend the moratorium they would have to adopt an ordinance just like they are doing tonight. Councilmember Noble asked when is the last, next, Council meeting/Joint Planning Commission meeting, where if there has to be an extension considered for whatever reason, what is the date of that proposed meeting. He wants to make sure all these dates are in their heads as they are going forward.

Mr. Briglia stated that would want to know by the end of April so it can be advertised, have the public hearing, and the Notice of Intent to Adopt and the adoption so it would be seamless.

Councilmember Springsteen stated that he appreciates all the work the Planning Commission has done and the input from the citizens. He initially, when he approved the MAC, he was sold on the MAC as being first level is commercial, second is office and the next two as residential. He thinks it's good that they are looking at this because right now he looks at the MAC as becoming a major housing development project on Maple Avenue and he wants to maintain the commercial corridor. He thinks it is good they have this discussion, the market is changing. Now they are coming the first floor is commercial and the next three levels are residential. Once we lose the commercial corridor we are in trouble. He personally doesn't think they should have all residential up and down Maple Avenue, he wants to preserve this commercial area. He thinks they need to look really hard when they look at these changes and be sensitive that the market is changing. He doesn't know if they necessary predict the market but they have to be very careful when they make changes.

Councilmember Bloch thanked the citizens that have come out to numerous meetings, including this one, and the other Public Hearings they have had on other MAC projects. She also thanked the Planning Commission for going out of turn to coming here tonight and putting aside the trepidations that they had about having a joint meeting and going through the process quickly. While she is in favor of suspending the MAC for up to 270 days, she also had some questions, much like Councilmember Springsteen's, and she thinks that one of the things they should look at when they look at not just the visual design guidelines but actually look at the changing market in our area. When the original purpose of the MAC was to have two levels of commercial and two or residential, does it make more sense to come back down to the same two levels of residential and one level of commercial but allowing for greater height to allow for more modern buildings that commercial developers want, with more of a taller first floor to allow that sort of modern commercial development within the first floor of a potential three story building instead. She also agreed with Commissioner Kenny that they should add in to the MAC some information to oversee some traffic plans and some schools as much as we can. She knows Fairfax County, and she knows this because she ran into this issue when Metro West was going on and she was President of Marshall Road PTA and they told them virtually that no children would come out and now three buses come from there to Marshall Road, that the County is really awful when it comes to their assessment of children in schools. As much information as we can get from the County and she would even say from other jurisdictions around us who run schools systems that have done some commercial and residential renovations in their town to see what their take is as well other than Fairfax County Public Schools, other locals like Arlington County and City of Falls Church. It would be interesting to know for each project what the overall impact is on the town, not just monetarily but in

terms of the utilities, in terms of our streets, how much more often do we need to pave them, in terms of sidewalk usage, in terms of increased bike traffic and how does all that impact from any sort of development that comes with a higher density along Maple Avenue. She thinks that if we want to improve the look of Maple Avenue and also maintain our very comfortable, warm, loving town that we have then we have to sort of balance the opinions of the residents and what local developers want as well because if we make the MAC so restrictive then we might as well not have a MAC at all. She agrees with Commissioner Couchman in that the first thing you read in the MAC is the purpose and intent and if that is not as strong as we want it to be and that sets the ground work for the rest of the MAC then that should be beefed up and be much like our Comprehensive Plan. If it doesn't fit the purpose and intent of the MAC then it doesn't pass. Much like if something comes in and it doesn't meet our Comprehensive Plan we don't allow it in the town. As the first sort of gate keeper to any project that comes into the MAC, having a very strong purpose and intent is where she thinks we need to start, in addition to all the other fixes and tweaks, visual guidelines and that kind of stuff, but that is what we are saying that is what we want the MAC to be. She is in favor of suspending the MAC for up to 270 days.

Councilmember Noble stated that he was the past chair of the Maple Avenue Steering Committee the last time we did this in 2012- 2014. We had a very group of people there, we had national level consultants that helped us with the design guidelines, with the development of the code and all that, with the information we knew at the time and the goals and objectives that were given to us at that time. The biggest lament he has about the entire process was that at the end of the process, Elizabeth Lardner who was the principal consultant, Matt Flis who was the Deputy Planning Director, and himself, the vision for implementation included that the design guidelines would be prepared contemporaneously with the passage of the act and as you know that has not happened for a variety of reasons. At the same time there was discussion of a transportation and land use study of Maple Avenue, that also has not happened for a number of different reasons and those were part of kind of those portfolio things that included guides to the Planning Commission and the Board of Architectural Review, a number of these different documents that were intended on being prepared by staff but we had a turnover in the leadership of the Planning Department at that time.

Councilmember Noble also stated that the other thing that was very important is the intent of the code as written, was that it was intended to be a living document and as we learned things through developments as they came, we amend. We review the challenges, the issues, the problems, what failed and how we can do it better and we amend, which we have already done that once with code. He thinks it is appropriate to take a look at that again in the context of design guidelines and the context of lessons learned from the development applications that have come in to date. He does think if we consider other amendments we need to be very careful about the balance of those changes and also very considerate in terms of how some of those changes may be

affected by existing changes in state statutes and such because there are some of those that have happened. In looking at the changing real estate market and the context of schools is a giant demographic black hole forecasting prediction thing which is going to be a real challenge no matter what we come up with on our side of the fence. He does think that we need to have a very rigorous look, in the context of one of the concerns when they were looking at Maple Avenue six or seven years ago is vacancies. If you go down Maple Avenue there are places where there is no vacancies but across the street from 444 project has two vacancies, empty buildings for six months and there are other vacancies down Maple Ave. One of the biggest challenges we have with the giant gorilla which is Tysons, is how do we keep businesses and have a supportive zoning code in Vienna for the kind of businesses that we want. The zoning code isn't economic development, it is two different things, zoning code is supportive and we need to make sure it's supportive. There is also an economic development piece of this that we need to look at as well and that is kind of another contemporaneous piece of the puzzle. Lastly, the context, the purpose and intent, he thinks it is incumbent upon staff and ourselves that as we review any project that comes in that they rigorously look at the project and the context of meeting the purpose and intent which in its original statement gets to "what is a small town" and he thinks it is not a threshold that oh you crossed the bar, but a quality conversation. He does support suspending the MAC for the 270 day period and he does think they need to have some check-in points along the way so that they get into that April time frame that if they don't have the design guidelines complete, some of the transportation work moved forward and other amendments they need to discuss that aren't quite fully built out in terms of the public comment and such, that if we choose to extend it we have the opportunity to do that if necessary.

Councilmember Bloch asked Mr. Briglia about the one MAC project that has been submitted and has gone through the process and asked him if as a legislative body can they legally ask them to suspend their project until they come back with the new guidelines. Mr. Briglia stated this is not a simple question to answer, they have three MAC projects and none of them are complete. Three applied, two are approved and one is pending approval. The two that have been approved, one has broken ground and the other has not. There is a long and complicated review process determining about whether an application is vested or not, they have to rely on a government action which would be a zoning action. They have to do more than just rely on it, they have to take affirmative actions and they have to expend money. There are probably 50 cases in the last 10-15 years on when someone is vested or not. This is not an easy question to answer but to get at the question, he does know because he spoke with their Counsel for 444 and they are amending their application to respond to some of the public comments. He hasn't seen them yet but they might be a lot less than what the MAC would let you do, they are expecting to have them within the next couple of weeks. To answer the question, they can hear these comments and adjust theirs accordingly, they don't have to wait for the code text amendments. He thinks they have an idea of some

of the ones that are already in the pipeline. The problem is what if two of Council think this great idea but the other five don't and then they amend their plan. At some point they are going to look at what is written and what is passed. Council is looking for design guidelines and they see that coming in addition to what is already there. He thinks they will see some adjustments based on the public comments and Council's comments already. Councilmember Bloch stated that her question was more can Council as an official body ask them to take their proposal off the table until they come back with a new MAC. This was brought up by a number of citizens and she wanted to know if that is possible or not. Mr. Briglia stated they can always ask. They have developers make significant changes in their designs and sometimes the public doesn't know but they make changes that are not mandatory in the code, just friendly suggestions.

Councilmember Noble stated from what Mr. Briglia said his understanding is that Council needs to let the process play out for that particular applicant that doesn't have an approved development, to come back and then vote as they will regarding that development. There is not an affirmative action per se to stop an in-process application. Mr. Briglia stated that if the application generally meets the zoning ordinance or in the process their usually in the process is the short answer to that without going into all the specific details of 444. Mr. Briglia provided an example which was White Oak Tower, the tallest building in one of the highest areas of the town. They submitted a building permit, it was back to old the old standard, it was much higher than 35, Council did an emergency amendment to the code and dropped the maximum height in C1 and C 2 to 35' and refused to issue the building permit. They went to court and the Judge said they needed to issue a building permit. When they submitted it, it was 70 or 80'. Councilmember Noble stated that answers the questions that some of the community members put forth.

Mayor DiRocco stated that we currently have the ordinance in place, we can request to an applicant asking them not to wait until we make these changes, wait until we make some amendments, they know this is going on while the suspension is going on and that applicant can choose to submit or not submit either way and asked Mr. Briglia if that was correct. Mr. Briglia stated that was correct but it is going to lend a follow up question of how long do you guys need and some are saying 270 and some are saying maybe longer and that is the kind of thing that makes it uncertain for them. But she is correct they can defer it or pull it off the table.

Councilmember Majdi stated that the most important thing they will be doing is considering code changes that either play into or in addition to the visual design guidelines. He thinks the visual design guidelines are important but the code changes are what get the applications to look like what we want them to look like. He thinks our investors in the town are playing by the rules and their looking at the code as it is written. If they show them pictures of what we like those are just guidelines, it is the

code changes that will get to the heart of the issue. He is very excited about that debate, he thinks we got a lot of good suggestions from the public hearing, not just from this public hearing but the July hearing about code changes they can make. There is going to be a lot of good suggestions from the adhoc committee as well. He really thinks this is the core of the issue, we need to change the underlying code and that will push people to submit applications that we like. There was a lot of consternation about whether we would have enough time and he thinks we can get the visual design guidelines done in 120 seconds. He would turn to page 28 of the Comprehensive Plan, the first page with the picture of the MAC and he thinks it shows it right there. October 2016, front page of the town newsletter, there was a big beautiful picture of what MAC projects should look like. He would venture to say at the end of this process people are going to say "yea something just like that." He thinks that they have had in mind a visual picture of the MAC that is actually very popular and that is evidence by the fact it is already in our Comprehensive Plan, page 28 and already published in the town newsletter on the front page, October 2016. How do we get applications to actually look like that, it is going to take some code changes. He is very interested in this process and he thinks the visual design guidelines are a really good idea and as Councilmember Noble stated it has actually been an idea on the books for a while now and he is looking forward to it being executed. He is going to support the motion.

Councilmember Sienicki stated that she really thinks the Visual Design Guidelines is something that professionals use and they are going to be instrumental to this process. In the passage of the MAC the design guidelines were going to be a tool that would inform the developers or owners when they are putting forth a building. She does not believe that the one picture is worth a thousand words, she thinks developing a design guideline guidelines is much more involved than a singular picture because it needs to leave itself open to the various types of buildings that could be developed along Maple Avenue and we have a lot of different considerations. She thinks a lot of people are looking at one or two or three different configurations that we have so far but over the long run there could be a myriad of different types of buildings that are developed in very different sizes and going forward with the design guidelines is extremely important. The reason why we didn't do that within the MAC code was because getting the MAC code through was such a heavy lift. We didn't want to be burdened with too many things such as signage and things like that for that MAC code but those things are essential, how you do canopies, how you do entry ways and things like that. These design guidelines are an essential part of the MAC and is looking forward to seeing what the Board of Architectural Review comes forward with. She supports the suspension for 270 days in order to have citizen input which she believes what the citizens are asking for. She believes that having the citizen survey is something that will allow people to give feedback so the town moving forward can come up with something that everyone can be supportive of. She cautions with having too strong of a MAC based on today's scenario. She thinks it is important and it was important back in the day to leave the MAC open for different eventualities. Right now it may be

residential that is driving the market, who knows that maybe in 20 years it is going to be offices, retail or something that we don't even know. We have to caution ourselves to not make the MAC so stringent that it becomes something that is by rite and that is what we currently have with our commercial zoning. This is a process and it is very important to make sure we do things right. She supports doing the design guidelines and coming up with a more stringent code where appropriate but not too stringent that it takes all the different eventualities for the town.

Upon consideration of the joint Public Hearing and recommendations of the Planning Commission it was moved to approve the adoption of an ordinance amendment temporarily suspending Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code until June 17, 2019 and it was further moved to direct the Town Clerk to advertise a Notice of Adoption.

Motion: Councilmember Colbert
Second: Councilmember Springsteen
Carried Unanimously

Mayor DiRocco stated that she does support the suspension. She thinks they need the time and they want to take the time to make sure the visual design guidelines are done and they address some of the issues they have talked about. They have talked about some code changes for transportation, visuals, density and that type of thing as well as touching on some of the items they have heard from the public. She thinks 270 days, hopefully, should be adequate to do all that and would love if they get it done ahead of time. If for some reason it is not we have another process to go through. We look at that end of April time frame and make a decision on how we are going to do that. She does think they need to look at the mix of what they are seeing on Maple Avenue just to make sure they are aware of that, it is something she has thought about and concerned about too. That is not how we thought the mix would go where we originally put the MAC together and she know market conditions will change and she appreciates that and maybe they need to make sure with those changes markets we can handle it within the MAC.

