



Town of Vienna

Meeting Minutes

Town Council Work Session

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

Monday, February 11, 2019

7:30 PM

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

Work Session

1. Regular Business

Council Members Present:

Mayor Laurie A. DiRocco
Council Member Tara L. Bloch
Council Member Linda J. Colbert
Council Member Pasha M. Majdi
Council Member Douglas E. Noble
Council Member Carey J. Sienicki
Council Member Howard J. Springsteen

Staff Present:

Steven Briglia, Town Attorney
Sarah Couchman, Planning Commission
Michael Gallagher, Director of Public Works
Julie Hays, Pedestrian Advisory Committee Chair and Transportation Safety Commission
Christine Horner, Civil Engineer II and Water Quality Engineer
Edgar Marmolejos, IT
Mary McCullough, Planning Commission
Kelly O'Brien, Principal Planner, Planning and Zoning
Mercury T. Payton, Town Manager
Cindy Petkac, Director of Planning and Zoning
Donna Smith, Pedestrian Advisory Committee
Carol S. Waters, Deputy Town Clerk

A. [19-1155](#) Transportation Safety Commission (TSC) - Updating Citizen's Guide to Traffic Calming Guide

Attachments: [ToV Citizen's Guide Draft 2.2.19](#)
[citizens guide flow chart 2.2.19](#)

Town Manager Mercury Payton opened the Town Council Work Session of Monday, February 11, 2019 at 7:30 p.m. and thanked everyone for attending. Director of Public Works Michael Gallagher introduced Julie Hays, who is Chair of the Pedestrian Advisory Committee (PAC) and a member of the Transportation Safety Commission (TSC). Ms. Hays recapped that the TSC had met with Town Council in summer of 2018 to discuss an initial outline for an updated Citizen's Guide to Traffic Calming, and had received some wonderful feedback. TSC had incorporated Council, Town Staff and TSC members' feedback to develop a first rough draft, which had been provided to Council a week before this work session. At this evening's work session, Commissioner Hays proposed to walk through the revised draft

Citizen's Guide. She said the guide was largely the same except this draft was more specifically laid-out than the original guide. A flowchart, a draft, and some helpful information had been added for people coming in to present a petition for a traffic calming device on their street. TSC wanted to make sure that it is all user friendly, makes sense to everyone, and that it aligns directly to the draft document.

Commissioner Hays noted her appreciation for the numerous, detailed suggestions submitted by Council Member Sienicki this week, which included the addition of contact information for DPW (The Department of Public Works) and TSC, and a timeline of what to expect when going through the process of requesting a traffic calming device on their street.

Commissioner Hays said that her group would be happy to receive any of Council's editorial comments or edits over email or by hard-copy, but they did not necessarily want to waste their time going through little nit-picky edits, unless they want to. She said they can keep it high-level and content-specific at this work session, and if anyone had any questions or comments on the flow chart and the process itself, they should feel free to chime in.

Council Member Sienicki went through her suggested changes and additions, and the reasoning behind them.

Council Member Noble suggested that there should be a way to cross-check whether DPW was conducting any roadway reconstruction or other projects on that street segment, because then traffic calming measures could possibly be incorporated into the roadway improvements. He and Ms. Hays discussed possible ways to link that information in.

Council Member Noble reported that the way he reads the steps in the draft, it indicates that the Transportation Safety Commission gate-keeps whether a petition goes on for additional study or not. He opined that the process would be shortened if a petition, if it is deemed to be valid by DPW, comes before TSC with the requisite study having been completed instead of coming to TSC, presenting some basic information, TSC asking for more information, then sending it back out for more study. Council Member Bloch said that it is done in coordination with the petitioner, so it is not done in a vacuum. Council Member Noble stated that it not what the guide says, and that is why he was concerned. Council Members discussed the normal TSC petition process. Council Members Bloch, Springsteen, and Colbert had served on the TSC before being elected to the Town Council. Planning Commissioner Mary McCullough (formerly on TSC) commented that presenting the petition gives the petitioner an opportunity to verbally share and discuss their concerns. She said that most of the time it is referred to a study, but sometimes it is not.

Council Member Noble said that his concern is, if it shows up at TSC, is TSC determining the validity of the petition that needs to move forward for study, or is it people coming forward to TSC knowing that DPW is OK with the petition being valid, and that they have conducted the appropriate background study, at a level of depth that is appropriate for the topic being considered; because the way it is worded in the narrative in the document seems to indicate that the TSC is gate-keeping whether the process can proceed in detail and then everybody comes back later with all the detailed study.

Pedestrian Advisory Commissioner Donna Smith said that they should talk about that because that is how it works. Council Member Noble said he was not sure that

is how it should work.

Council Member Colbert expressed that Town Staff should not have to waste time doing a lot of un-necessary extra work, if the studies and research are not needed.

Council Member Springsteen said that the criteria of a minimum street volume of 500 vehicles every 24 hours should be dropped as a requirement for physical traffic calming devices. He explained that Vienna has numerous streets which already have speed humps that do not have 500 vehicles every day, so they would not have met this criteria. Council Member Springsteen further noted that he always liked to see all of the traffic counts, and that a street could have a speeding issue even if it had only 200 vehicles per day, if 60% of them were speeding.

Director of Public Works, Michael Gallagher, said that back in history there probably weren't standards set up for when a speed hump might be applicable, so by setting the standards here we are helping to define where they should go. Council Member Springsteen reiterated his point about existing speed humps, noting Holmes Drive.

Council Member Bloch said she didn't think that that is a term for having traffic calming on your street, if you truly think there is a problem, that is one of the criteria, and you wouldn't know if there were 500 cars on the street unless you did a traffic count.

Transportation Safety Commissioner Hays said that they could take a look at the criteria. Mayor DiRocco said that she thinks they are trying to streamline the process and find a better way to do it, but also be thoughtful of the residents and thoughtful to make sure that their voices are heard. She said it is kind of a working with staff and with TSC.

Commissioner Hays said that often, at that initial opportunity to talk before there is a comprehensive engineering study, DPW usually goes out to the site to observe it and to see if there is anything they can do outside of doing a comprehensive study. So doing the complete investigative research first might save time but it would definitely increase the staff time involved, and may lead to unnecessary work.

Council Member Noble proposed, for example, when a complaint comes in about speeding on a street, we need to find out how much traffic is on the street, how fast the vehicles are going, and if other streets are impacted. In that case, DPW could gather that information before-hand. However, for example, if someone requested pedestrian crosswalks all the way out Beulah Road towards Wolftrap Elementary School, that study would be more complex, but we would expect that the petitioner, in collaboration with DPW, would be having a conversation about the nature of the problem and the scope of that study, in terms of level of effort, and staff would discuss with the Town Manager in terms of budget allocation and such, so that, as staff and the petitioner come to the meeting, this background information, this level of analysis, is at a point where some level of decision making can be done without the petitioner being forced into a feedback loop of going out and collecting more data or doing this additional analysis.

Commissioner Hays said, what she is hearing is that maybe the process itself needs to be changed, and what Council Member Noble is suggesting is that once the petition is in place there is not a need to go before the TSC to present the case, that they should just go work directly with DPW, then do the engineering study, and then

come back with all of the analysis and information. And that would change the process. Council Member Noble confirmed, saying: (yes), so the TSC can make a decision with the appropriate useful information.

Michael Gallagher, Director of Public Works, said that sometimes the petition comes in and it is maybe a laundry list of things. He stated that more public interaction is sometimes needed to determine what the general public really wants, and one person might petition for speed bumps while their neighboring residents may not want speed bumps.

Council Member Noble replied that in that context then, the narrative and the flow chart should specifically indicate that path, and today in the draft that we have, it does not do that. If there are multiple different complex issues being presented, with different opinions from the public and such, then those would perhaps be appropriate to go through TSC at the outset as a problem definition effort.

Commissioner Hays responded that we would not know whether there are concerns or other people with opinions unless they have that public hearing and the due process. Council Member Bloch also opined that it is important to talk to the citizens first. She related that citizens may request traffic calming devices which are not appropriate for their street, or people on the street might agree to a speed hump, but then none of them wants a speed hump in front of their house. Council Member Bloch also commented that having more engagement helps citizens feel like they are being part of the process, rather than DPW going out and saying, you asked for a bunch of solutions, this is the solution and this is what we are going to do.

Council continued to discuss the pros and cons of the existing process timeline for the TSC and the DPW to delve into background information for traffic calming device requests. Council Member Colbert commented that there is a lot that happens in those TSC meetings that is valuable. She also expressed concern that Town Staff might waste time and resources doing unnecessary studies if studies are done before the TSC gets involved.

Council Member Majdi stated that he really likes pilot programs, new ideas, innovation, and he thinks one of the Town's biggest success stories is the mini round-a-bout at Park and Locust Streets, S.E. Council Member Majdi opined that when it comes to traffic calming and the other things in this Citizen's Guide, the Town should be willing to embrace taking a few chances and if there are a couple that don't work out, that is OK. He asked if there is room in this process for pilot programs and other stuff that is not traditionally on the list. Ms. Hays said she wasn't sure what he meant by pilot program, but they could talk to DPW about their thoughts on the matter, and she agreed that the mini round-a-bout was definitely helpful. The Mayor mentioned bump-outs recently installed for Tapawingo and Kingsley Roads, S.W. They are an experiment, recommended by TSC, and they will see how it works.

Council Member Noble mentioned having an appendix in the Citizen's Guide and said that the traffic calming devices that they just talked about are accepted practice around the country. He suggested that if the guide was going to talk about what traffic calming devices were allowed in Town, that everything that we would say is appropriate and eligible, given there is a problem that can be solved with that device, should be listed.

Commissioner Hays stated that Christine Horner, DPW Engineer, put together a

fabulous presentation with all of the different traffic calming and traffic control options, and TSC planned to insert it into the appendix. She said they will make sure that it is consistent in the appendix and in the content within the document, and then add whatever else is missing in terms of what the Town supports.

Council Member Majdi asked if the appendix would include the entire universe of options, if they wanted to try something new. Commissioner Smith answered no, it would just be what they were using around Town. Commissioner Hays suggested that TSC could look at and work with DPW if there are other innovative technologies or other things that are coming out, maybe they could reference something in the appendix or add a section. Council Member Majdi said he did not necessarily have exactly what would go in the flowchart here or the text ready to go, but the concept is that the world of innovation is infinite and we don't know what it is so it would be tough to list everything innovative. So maybe there is some sort of concept or a step to consider new options that are not here-to-for listed in the manual or in the document or in a list.

Pedestrian Advisory Commissioner Donna Smith said that they emphasize that citizens should work with DPW to correctly identify what the real problem is because, some of the things we thought would not have addressed the problem did. She said that is why they were hoping to incorporate in the language as much flexibility as possible, and to have that preliminary work with DPW so they can get an idea of what would work. She noted that the petition process takes some work on the citizen's part.

Commissioner Hays said that their intent was to keep this very specific to the petition process, and so they can add a paragraph as suggested. She said that in the Pedestrian Master Plan, there are some objectives associated with gathering data and looking at new technologies in pedestrian safety. She said they can definitely take Council Member Majdi's feedback and get his point in there.

Mayor DiRocco said she thought it would help to take out some of the Roman Numerals and make it more of a user-friendly guide. She also thought that pictures of all the things that were talked about would be useful. The Mayor further noted that there was duplication in different areas, and maybe the guide should be as succinct as possible and more user friendly.

Commissioner Hays said that after sending out the initial draft, they had also had a couple conversations about pulling the process discussion up-front and having more of the other discussion below.

Mayor DiRocco said it is nice to have a copy of the petition, the maps, to show what roads you are on, and all of that is great information. She said she loves the information in the proposed guide but maybe it should be reorganized. Also, she had observed that some of the links came up "page not found," and the pedestrian Master Plan still says "draft" on it.

Council Member Noble suggested that the guide needs some sort of opening with the purpose, goals and an objective statement about the purpose of local streets. He said it also needs to include references to VDOT's documents within it. He said VDOT has a stake in uniform traffic control devices that is more detailed than the Federal one. Also, he pointed out that the draft guide refers to pedestrians but not to bicyclists in a number of places throughout the document, and he believed the original traffic calming guide was actually prepared by ATCS, the consulting firm, in

cooperation with the Town.

Another thing Council Member Noble said was, in the Town's Comprehensive Plan there is a street topology that is different than just simply collector-street or local-street, that we should see if we can figure out how to incorporate potentially. However, he said if it is going to detract from the process steps and confuse people, then it should not be included, but it is back-of-house information useful to DPW.

Regarding Council Member Springsteen's previous objection about minimum traffic volume thresholds, Council Member Noble suggested that for streets that have less than 500 vehicles per day, TSC may want to consider whether there is an increase more than a certain percentage. He said that would be documenting cut-through traffic. He also noted that speed limits are set based on 85th percentile, so 25 mph shouldn't target 85th percentile speed, not 31 mph; so we need to be very careful on how we state that.

Council Member Noble reported that the guide had only one sentence for fire and rescue equipment and a map in the back, and that does tend to reduce the locations where certain types of traffic calming can be considered. He recommended adding a better explanation of that, for example, that the Fire Department has an issue with certain things like speed humps, and the public should be aware of that.

Council Member Springsteen spoke on the genesis of emergency routes and how they came to be used. He reported that there are some types of speed humps that the fire trucks can go through at decent speed. TSC Commissioner Smith noted that in terms of traffic calming more broadly, maybe speed humps might not be the right solution for all locations but perhaps lane striping could be done, because that definitely helps the traffic calming as well, but that is not going to slow a vehicle down.

Council Member Noble said not to use the word "warranted" for traffic calming devices because there is a legal implication with that. "Warranted" could be used when referring to a stop sign, traffic signal or regulatory sign. Council Member Noble also said that he would send a couple of extra references, and he suggested that the guide include marked crosswalk criteria and a petition sample.

Commissioner Hays suggested some kind of objective system to figure out, not just for crosswalks, but now that there is more technology and so we are installing these HAWK (High-Intensity Activated Crosswalk beacon, or officially, Pedestrian Hybrid Beacon) systems and these devices that cost a lot of money, it may make sense to have something where you are prioritizing and figuring out a set standard.

Council Member Colbert suggested that school routes and "walk to downtown" should be included in sidewalk prioritization. Commissioner Hays noted that the sidewalk rating system criteria is attached and they still plan to add in an example of what that looks like, so they will add in how it is used and it will show the point system.

Council Member Colbert pointed out a section that read "street segment considerations," and asked if those considerations could over-ride the 500 vehicles per day minimum. Council Member Springsteen expressed his support of being flexible with the considerations for traffic calming devices. Commissioner Hays said the traffic volume is just one consideration, however, when DPW is doing a recommendation, they typically look at those numbers per day rather strictly. She said it is her understanding that this was based on best practices in what is being

used by other agencies, so if it is not, they will look into that. She added that it should not be arbitrary, it should be very specific and something that is practiced.

Council Members Colbert and Springsteen indicated that the 500 vehicle per day minimum should not box-in the consideration of traffic calming devices. Council Member Sienicki asked if now, in 2019, if that is one of the big qualifiers to consider without necessarily eliminating the possibility. Ms. Hays replied that it doesn't necessarily eliminate the possibility of a traffic calming device, but it is one the considerations and she will have a discussion with DPW about that figure and make sure that we...

Council Member Springsteen reiterated that there are a number of streets in Vienna that had well under 500 vehicles per day, and they have speed humps.

Council Member Bloch said that she thinks that at the time when those speed humps were put in, there was not a whole lot of options for traffic calming in Town. We weren't doing lane striping, we weren't doing bump outs, we weren't doing round-a-bouts, so, if there was an issue on that street...

Council Member Springsteen interjected that he did not think any of those streets that have speed humps now would want to give those up, and people like the fact that speed humps slow the traffic down. It was verbally confirmed that there were no plans to take speed humps out.

Commissioner Hays said that they are also thinking more broadly about pedestrian safety. She said, for example, stop signs and things don't necessarily make pedestrians safer because sometimes people either come to understand how fast they can go over it, or they slow down and then speed up a lot more. She reiterated that Council Member Springsteen's point was taken and they will look at the 500 figure.

More discussion on speed humps followed, noting that much better speed humps, or speed tables, have been developed these days. Mr. Gallagher said they were designed for traffic to go over at the speed limit and not get jarred.

Council Member Majdi noted his concept of thinking outside the box, and stated that in the guide's traffic control information, it says the Town "adheres" to the manual. He said that seems like a stringent word, and asked if we follow the manual or do we adhere to it? It was then noted that "adhere" was a standard word use for these things. Council Member Majdi then asked how that worked with something like the new mini round-a-bout that was an innovation. He reported hearing that it was the first one of its kind. Other Council Members said that it was the first one in Northern Virginia, but not in the United States, and it was in the state traffic manual before Vienna installed it.

Council Member Sienicki suggested to also add "businesses" wherever it says "residents." She further suggested perhaps changing the title, to just say "guide to improving street safety," in order to leave it as broad as possible.

Council Member Majdi asked what would happen if a neighborhood wanted to do something and DPW and TSC did not like it. Commissioner Hays said if there is a concern, it typically will go for an engineering review and analysis. She said, after that process, if they find that it does not meet all the criteria or requirements for traffic calming, because usually we look at all the analysis, because the Police Department goes out and does the speed study, or different analysis that DPW does,

they come back in, provide the data, and information and also their recommendations. And then based on those recommendations, the TSC can decide whether or not to accept those recommendations. If the recommendation is based on all this data and TSC does not think that there is anything that makes sense to do, then it can stop right there. Ms. Hays added that, as a resident, if she were going through that process and didn't like what the TSC had to say, she might show up at a Town Council meeting and say – this is what happened and I don't like it, and there is still a problem and this is what I want you to do.

Council Member Noble observed that Council does not see the non-affirmative things from TSC; i.e. the requests that are turned down. He asked if that was a policy that everyone wanted to continue. Commissioner Hays said that policy could be up for discussion. Council Member Noble said there had been a couple cases recently where citizens felt that they wanted a different outcome from TSC, and nothing was moved either affirmatively or negatively towards Council. He said it would be interesting for Council to at least get a report from TSC on the requests that were turned down. Council Member Noble asked if there is an appeal process.

Council Member Bloch reported that when she was the TSC Chair, she sent an explanation communication to Town Council for every vote, up or down. She said there had been a few occasions where TSC had voted something down, and the applicant wanted to bring it before Council. Commissioner Hays said that she would check with the TSC Chair about getting the reports, and she was in support of Council having that information.

Council Member Majdi suggested that they consider modifying Step 6 of the guide: "If warranted, TSC recommends motion to Town Council; or provides report/memorandum." Commissioner Hays said that this is a first draft, so they appreciate all of Council's comments and feedback.

The Mayor thanked all of those who had worked on the Citizens Guide, and acknowledged that it takes a lot of extra time. She commented that it will go a long way towards helping citizens have a better picture of how to move forward on some of these traffic calming measures.

Commissioner Hays noted that they hope to have the second draft ready for Council consideration in April, then they would like to get it out for public comment. By this summer, they hope to come back to Council for a final work session to work through any kinks or additional feedback, and then, ideally, the guide would go to a TSC vote in September. Mr. Payton confirmed that there is room on Council's June work session at this point.

Commissioner Hays noted that the last time they talked, the PAC (Pedestrian Advisory Committee) and BAC (the Bicycle Advisory Committee) were going to meet with the Town Attorney to talk about their mission and guidelines. She said that right now they are just kind of a recommendations making body, however, there is a strong desire to be more proactive in helping to support activities that promote pedestrian and bicycle access and safety throughout the Town. Commissioner Hays advised that they had still not had that meeting to go over the guidelines and what is possible. She also asked if the charters for those commissions were in the process of being updated. Mr. Briglia advised that the charters are not in the Town Code.

Commissioner Hays stated that transportation safety is a huge issue in the Town right now and she is sure that there is more that the TSC would like to be doing or

could be doing. She also asked about new house developers putting money in escrow for future sidewalks. More discussion ensued.

Mr. Payton called for a quick break at 8:42 p.m., preceding the next item on their agenda.

B. [19-1153](#) Update on process to Develop Design Guidelines and Amendments to the MAC Zone Regulations.

Attachments: [Proposed Amendments to MAC Zone 2-13-19](#)

Ms. Cindy Petkac, Director of Planning and Zoning, addressed Council and noted that they had been provided with a memo, timeline, and the preliminary draft design guidelines. Ms. Petkac was joined by Ms. Kelly O'Brien, Principal Planner, who had led the process to develop the design guidelines and the template for the visual preference survey.

Ms. O'Brien noted that Planning and Zoning Department Staff had researched ways to gather community feedback regarding design guidelines as well as general things about the MAC (Maple Avenue Corridor Zoning). Staff had determined that the on-line visual preference survey was the best method. Ms. O'Brien reported that their subsequent survey received a really great response, even better than hoped.

The visual preference survey was open to the public on-line in October to early November 2018. Over 1,000, verified in-town responses from businesses and citizens were received. The survey contained images representing different characteristics, ranges in architectural styles, and streetscape elements. It attempted to provide a broad range of what might be seen along Maple Avenue. Survey participants indicated their preferences by assigning a score of one to five stars for each image.

Since the survey closed, a working group (composed of four staff members, the Mayor, the Chair and Vice-Chair of the Board of Architectural Review, and the Town Manager) had been meeting sometimes weekly, sometimes bi-weekly, to evaluate the survey results.

Ms. O'Brien reported that both the raw survey results as well as the presentation that the study group gave to the Board of Architectural Review (BAR) is available to see on the Town of Vienna Website's Maple Avenue Vision Page. She advised that all of the survey results have been up on the website since the survey closed. Ms. O'Brien reviewed, discussed and displayed images from the on-line survey, which included sections on architecture, building design and form, and site design and landscape. She noted that the survey had an introduction which gets into the basics of what the MAC is and what the review process is, and she outlined the sections of the survey.

Council inquired about a summary and classification of the survey's narrative comments as they relate to the design guidelines. Ms. O'Brien and Ms. Petkac stated that they did not summarize the answers - the full survey results with all of the comments and quotes are included. Ms. Petkac explained that she would not advise ever characterizing comments. She said that the comments stand for themselves and everything is on the website. Ms. Petkac further stated that all of those survey comments, the comments received for specific MAC projects, and all of the comments received as part of the Planning Commission's public hearing on the MAC amendments have informed the numerous amendments that will be coming forward to the MAC itself. Ms. Petkac pointed out that this process is different than the

process that is normally followed to do text amendments to the zoning code.

Council Member Majdi suggested that it might help to have a presentation on the survey results. Mr. Payton suggested that a presentation of the survey results could be done at the regular Council meeting of February 25, 2019 and the group was agreeable to that.

Ms. O'Brien discussed more examples and elements that met with the guideline section. Council Member Springsteen asked if staff was suggesting making wider sidewalks out front. Ms. O'Brien replied that wider front sidewalks were looked at and they scored high.

Council Member Springsteen asked what would be done with existing MAC projects, and Ms. O'Brien said they would not have to meet new guidelines when they are already through the process.

Cindy Petkac outlined the next steps. As she said, the draft design guidelines were posted for the BAR (Board of Architectural Review) work session on Friday, February 15, 2019 to discuss the preliminary draft design guidelines. Coming out of that, it will be the determination of the BAR Chair if he wants to schedule any additional work sessions. Per Ms. Petkac, the Planning Commission is focused on proposed text amendments to the MAC, so, at their work session on Wednesday February 13, DPZ will be doing basically this presentation to the Planning Commission just trying to provide some context and prepare them for a more detailed discussion the following week. The BZA (Board of Zoning Appeals) has a work session scheduled for February 20 and they are thinking about having another work session on February 27. Ms. Petkac further cited that they are proposing to have a joint work session with the Council, the Planning Commission, and the BAR on March 6, 2019. As Ms. Petkac stated, the idea is that we all come together over the month of March, then we want to go back out to the community at the end of March to get their feedback on the big ideas. She advised that they normally don't have public meetings on text amendments, but because these text amendments to the MAC are public with new design guidelines, she believes it is really important to get back out to the community and get their feedback. She noted that is why they have scheduled two MAC Community Workshops at the Vienna Community Center. One is Friday night, March 29 and the other is Saturday morning March 30, 2019. Ms. Petkac added that they plan to "Facebook Live" it, like to have a video up and then we will look for ways for the public to provide input if they miss it.

The group had a lot of discussion about the schedule of upcoming meetings in March and when Council Members would have opportunities to present their individual ideas about MAC amendments. Council Members Majdi, Springsteen, and Noble expressed concerns that the schedule of meetings may be unrealistic and too ambitious, and may not provide enough turn-around time between meetings to post comments for the public to see. Council Member Noble also suggested that the group have a conversation about how the MAC Moratorium relates to the transportation and land-use study for Maple Avenue. Mr. Payton noted that this schedule was tentative and could be modified. Ms. Petkac said that she did not want too much time to elapse between when folks took this survey and when we come back to them with the big ideas coming out of the survey. She opined that there is enough time to get to the end of March with those working drafts. Ms. Petkac said that following that, she thinks they will be in a good place with what they have, just because they are really taking the time, because the chair and the vice-chair have been so involved over the last two months in developing the design guidelines, she

thinks that will get through the BAR more easily than what the Planning Commission has to do. Ms. Petkac said the Planning Commission has the really heavy lift here, with all the various amendments coming out of the design guidelines-related amendments, other amendments which have been discussed previously, and amendments that Staff will be proposing in an effort to provide more clarification. She said that she just tried to put together what she thought was a reasonable time frame for adopting and being able for the Council and the Planning Commission to hold public hearings, and Planning Commission to make recommendations to Council, and Council to adopt the amendments to the MAC and the design guidelines before the moratorium on the MAC ends. Ms. Petkac continued to say that because of Council's schedule with the annual budget and related meetings and the fact that there is only one Council Meeting at the beginning of June, she had inquired about the opportunity to add another meeting during the summer. She said she agreed that they should take as much time as they need but, the Planning Commission is ready, and has been ready to really roll up their sleeves. She said they take their responsibility and making recommendations on amendments very seriously. Ms. Petkac commented that it also depends on what comes out of the MAC public workshops - if the community is not supportive, then they may have to start all over.

Council Member Noble suggested that at the next Council meeting following the public MAC Work-Shops, the Planning Staff report out and identify a vote to extend the moratorium, for multiple reasons, including completing this appropriately and within the time frame necessary. Council Member Noble said that he also wants to at least have a conversation on the relationship with the MAC Moratorium to the Transportation Land-use Study. Council Member Noble further noted that the Planning Commission would need to have a public hearing and a vote before making a recommendation to the Council to extend the moratorium on the MAC. He also said that he thinks they need to keep moving forward and find out where the public stands on this.

Council Member Bloch added that after the two public input sessions on the MAC, Council might decide to have another public input session because there may not have been enough time to listen to all of the concerns. Council Member Noble said that he was also concerned about the feedback from the BAR meeting the following week.

Council Member Springsteen stated that he is getting a lot of push-back about the Chick-fil-A, and people are not happy about that, people say that it is enormous, and that is a real issue.

Regarding the opportunity for Council Members to present their individual ideas for the MAC amendments, Mr. Payton stated that any of the seven Council Members can submit specific recommendation in regard to height, density, or any aspect of this at any point. Whatever those suggestions are, he said, they could be submitted to the Planning and Zoning Office, preferably a week or two before the March 6 meeting. Mr. Payton further suggested that at that March 6, 2019 Joint Work Session with the Town Council, the Planning Commission, and the Board of Architectural Review, Council Members would have plenty of opportunity in that meeting to present their suggestions and have a discussion with other Council Members and Commissioners.

Council Member Springsteen asked if they could discuss the way the developers count the green space. He also said that some people have suggested having a three-story high MAC instead of a four story-high MAC. Council Member Bloch said

that she thought all of those things are on the table for discussion, and that each of the Council Members have some ideas about updates to the MAC. Mayor DiRocco reminded everyone that this visual design guideline is a first draft.

Council Member Noble asked what the set of ideas is that has come in, and what their resolution through BAR or the Planning Commission was, and where those ideas came from. He said that he would want his ideas to at least go through some sort of review from the Planning Commission before they end up back with Council, and he would be interested in that feedback. Ms. Petkac reported that at this point, the MAC was a track changes document and she had noted where the changes are coming from, but they are related more to groups instead of individuals.

Council Member Springsteen opined that in the original MAC document, they dropped the ball on the transportation component. He inquired about the upcoming transportation study. The Mayor asked the Director of Public Works for an update on that. Mr. Gallagher reported that the study was just getting started and they would do traffic counts this week, but he thinks the whole process continues through September 2019. Council Member Springsteen asked if the transportation study would talk about the capacity of the roads to absorb any more developments. Ms. Petkac said that the study would look at current counts, it would get feedback from the community as to their concerns, it would examine what the trouble spots are, it would look at being in keeping with the vision for Maple Avenue and making it safer for pedestrians and bicycles, and the study would come up with some recommendations. Council Member Springsteen said that based on that, he would not do anything on the MAC until the transportation study was done.

Ms. Petkac said there will not be proposed changes to the MAC coming out of the transportation study. She said if we have projects coming through, a developer has to do a traffic impact analysis for any MAC project. So if there is an impact, they have to address that impact. The purpose of the study is to step back and comprehensively look at the entire corridor and how these individual projects are affecting the whole, and what the Town can do to be proactive.

Regarding traffic impacts, Council Member Noble said that we don't necessarily know whether or not any combination of these projects will push Maple Avenue over the edge, where walking is faster than driving. He said, if we can't get that answer out of the study the way that scope is written, then we have a little problem with what the expectations are. And if coming out of that study, their conversation about bicycles and pedestrians and the street right-of-way is more refined than what we are getting out of the zoning code piece that we are doing with the design guidelines, then that needs to be incorporated into the code. Council Member Noble further stated that if there are elements related to what the Town requires in a transportation study, as a matter of policy, then that needs to come out. He stated that he does not feel comfortable proceeding with any other developer until we have all of these things together, because right now it is ad hoc – it is whatever we spec each time, but it needs to be set up consistently and informed by that study.

Council Member Majdi said he agreed with that and he suggested that an off-cycle comprehensive plan amendment may be needed, to stipulate that we want a certain level of service, or we do not want to lose level of service on Route 123. Council Member Majdi suggested that such a policy could be pointed to when project applications come in. For example, the Town could refer to the policy and say that we are committed to maintaining a level of service or we are only going to allow "X" degradation of service.

Council Member Noble suggested that where there is a proffer involved in any kind of development, the Town set a clear expectation of what we expect in terms of possible impact and exactly what a developer could offer.

Council Member Sienicki said that she really came here to discuss design guidelines, and she appreciated all of this, but there are a lot people in the audience that came to listen to design guidelines and we have spent a lot of valuable time on the process and timelines, and all that, but she thinks there are also a lot of substantive things that we need to discuss, too.

The Town Manager said that three Council Members had mentioned the idea of synching up the transportation outcome with the moratorium for the MAC, and he asked if that was what Council wanted to do. Mayor DiRocco and Council Member Noble indicated that they would like to discuss it at a meeting.

Ms. Petkac said the purpose of their presentation was just to show where they are in the process, talk about what the next steps are, and how they use the results of the survey to have that inform the design guidelines. She said if there are specific questions or comments on the preliminary draft, they can respond to those.

Council Member Noble said he had a number of comments: Whether it is in the design guidelines or in a policies document or submission by developers, we should provide some very specific guidance in terms of when a developer puts together a 3D photo rendering, isometric, that it has a very specific focal length and distance from the object. One of the things he had noticed with all the applications for development was, if you look at the two play image, or is this a 444 image, or is this DiAlexander's image for Marco Polo, it doesn't show you exactly where you are on the street relative to the physical mass of the building. Council Member Noble said that he called out the 444 Maple Avenue West people for faking it on one of their images because it really forced a perspective that was not realistic. So he thinks that very specific guidelines are needed so that, when they take the camera view and their 3D design software, it is X, Y, and Z in terms of focal length and the positioning and eye-height and all of that stuff. And we can maybe specify that the pictures must be across the street "x" feet away, or something like that. That is an important thing. It could be in the submission section of the MAC.

Council Member Noble asked whether the BAR and the Planning Commission both make independent, parallel recommendations to Town Council on applications. Ms. Petkac said the BAR makes a recommendation to Council, but the Planning Commission also has that information. Council Member Noble went on to discuss other details in the design guidelines. Regarding building forms, he said that some of the current architectural style "mimics" a small building but it only has two windows on a corner, and that is not realistic; the number of windows and the spacing is off.

Council Members Sienicki and Noble talked about the visual weight of the lower portion of a building, in terms of architecture.

Council Member Sienicki opined that the design guidelines should be left as open as possible, because we don't know what an architect may be bringing in and there may be reasons to put a parapet next to something, in a certain situation.

Council Member Noble mentioned seating, then spoke on street trees and canopy

trees. He recommended that the guidelines address the concept of structured soil to support the trees' root growth. As he said, the trees will not last if they are just planted in a box; the trees need a place for their root structure. Council Member Noble recommended there should be a requirement for clearly delineated safe pedestrian paths for bicycles, parking lots, and garages; a modern approach is to provide designated pathways. Council Member Noble said that he would send his other suggestions to the Department of Planning and Zoning (DPZ).

Council Member Sienicki said that on the pre-application meeting section, under review process, it says the DPZ Staff will also schedule at least one work session with the applicant and the BAR, Planning Commission, and Town Council prior to the submission of a rezoning. She asked if that was something new that is not in the MAC process, and whether that was a new adopted standard. She also asked if that procedure was just for the large projects or for all projects.

Ms. Petkac reported that DPZ Staff has been following that practice before they will accept an application. She said DPZ is asking for a pre-op meeting or to have a work session with these various entities to make sure that the entities are comfortable with the application and providing feedback. Ms. Petkac said it is more practice that staff is following, but it is not currently a codified requirement in the MAC. She said that they find it helpful.

Council Member Sienicki remarked that she worries about staff time on this. Council Member Sienicki suggested that maybe instead of that, there could be a period of time that the documents are posted and that people could view them. She further inquired if they could consolidate the public engagement meeting with the neighbors, then maybe a presentation that included the BAR, Planning Commission and come to maybe two meetings, so the pre-application meeting would include the public engagement with neighbors and all that together, everybody all together as a meeting to have an introductory, a time to have everybody look at it, and then kind of a summary of pulling things together. Council Member Majdi agreed with the suggestion.

Ms. Petkac said that DPZ does not post anything until they have an actual application. Council Member Noble described an existing re-zoning case in which an applicant was told that their initial application was "Dead on Arrival." Council Member Noble opined that it may not be fair to a developer not to have that feedback at the outset.

Ms. Petkac said that that is the purpose of the work sessions. She stated that they normally do not host or provide to the public anything that has not been formally submitted as an application. She asked the Town Attorney if they have a proposal, could they post that for the public to view if it is not an application.

Mr. Briglia answered that if he was a developer, he would not do it, because developers want to get feelings, and bounce things off people. That is why they do it. They want to come in and show you plans and they may not even leave a copy. Ms. Petkac agreed. Mr. Briglia further commented that developers come in to bounce ideas off someone so they don't waste time on architectural and engineering designs, and if the project is "DOA," they want to know as soon as they can. Ms. Petkac added that they don't want to spend the time and the money.

Council Member Sienicki then suggested that instead of having staff time, developer, all the boards and commissions, and Council all meeting at different times, just have

one big reveal. Ms. Petkac said she is open to that and they have done both; they have had joint work sessions with Planning Commission and Council on ideas coming in, and they have had them separately. Ms. Petkac said that having the work sessions before the formal application helps the applicant fine-tune their application before it is submitted. Council Member Sienicki said that she just wants to be mindful that it is not putting too much of a burden on the developer, staff, boards and commissions for a proposal. Ms. Petkac said she thinks more time spent up-front is actually better for everyone.

Council Member Bloch spoke of previous examples of proposals and the benefit of exchanging feedback. She opined that at least the Planning Commission and Council should have at least one work session before the application is submitted because once the application is submitted then there is no time, but there is the staff time, and the expectation that if a developer submits something, the Town will move on it in a reasonable time frame.

Council Member Sienicki suggested maybe putting this Maple Avenue Vision and the review process in a graphic form, as some sort of kind of interesting graphic or maybe a flow chart. Ms. Petkac said that they had talked about that. Council Member Sienicki also suggested tying some of these things in with what these main principles are in the design guidelines, to say what it hits and what it doesn't. She also stated that they don't really talk about the concept of mixed use in here, like what comes with mixed-use and perhaps what things designers need to think about. An example would be vibration, sound attenuation, and things like that. Council Member Sienicki said that she had a lot of comments on lighting. She also suggested that there should be more discussion on how to effectively address passage ways, alley ways, pedestrian and service and access, like minor access points, how traffic flows, how trash is stored and screened, how to address package deliveries, curb side management, passenger access for Ubers, lifts, all those type of things, loading, unloading, screening for cars, and parking as a design, because really parking is part of the design. Council Member Sienicki noted that those are things that always come up in their project reviews.

Council Member Noble recalled that when the MAC guidelines were written, they put this kind of side yard set-back in on the interlock side if you have a parcel next to a parcel next to a parcel next to another straight block. However, all of the pictures on page one of the design guidelines show buildings right next to each other, and that is not how we wrote this. He suggested revisiting that.

Ms. O'Brien said that the code gets more in-depth in building set-backs. Council Member Noble said that he thinks they need to have a conversation about what they are trying to achieve in terms of what is the look of a set of buildings that would mimic what a small town would be that was developed organically.

Council Member Majdi said he thinks it is important to encourage multi-modal transportation, Uber, lift, non-car transportation, and if we are talking about alleyways, arcades, and designs for parking that is probably an element of that.

Council Member Sienicki said she thinks there needs to be a real focus on place-making and public art, and a lot of the discussion that they have had and in the MAC is about place-making, so they should define what place-making is, and it needs to be in addition to just sidewalk seating. She said what is defined there is great, it is about public art, and we need to define what public spaces are, that they promote healthy, happiness and well-being, that is what place-making is. Council

Member Sienicki said that the place-making should be tailored to what Vienna wants, when we are talking about plazas, public parks and things like that, what does Vienna want more than just whatever that use is.

Ms. Petkac said that she thinks that is really helpful. She noted that the Town does not have a parks master-plan and there is an identified need for a park in some location.

Council Member Bloch reported that Tysons has a requirement, no matter the amount of square footage, that the developer set aside some sort of space or money for fields and for open space. She asked if the Town would want to think about that. Council Member Noble said that the Town would need to have the master plan to support it. Council Member Bloch noted that it could be part of the comprehensive plan. Ms. Petkac stated that they were addressing that in a couple ways, and the park master plan would really help in getting specific proffers.

Council Member Noble said place-making is not just about physical place, it is also about those events that use that space, as an example, music venues, or whatever ideas for activities that the community is looking for.

Council Member Majdi said he absolutely thinks place-making is very important, and perhaps increasing the open space requirement and emphasizing through the design guidelines that you engage in this place-making should be part of the MAC amendments.

The Mayor said that in our citizen survey, they did say open space was one of the things people asked for. She suggested that maybe place-making and public art could be addressed separately.

Council Member Noble asked if they were looking at revisiting the incentives table and the weighting of the incentives table as part of the amendments with the Planning Commission. Ms. Petkac said yes.

Council Member Sienicki inquired about the green roof picture on page 7 and said she did not get what that picture was. On page 8, she said it is talking about canyon effect between buildings, but she thinks the canyon effect refers to a street, so this really is not applicable here.

Council Member Noble said that he had other comments and would email them and copy folks on them.

C. [19-1154](#)

Proffers Timeline Regarding Rezonings

Following a short break, the work session resumed at 10:16 p.m. Town Attorney Steve Briglia addressed Council and referred to his memo on proffers. Mr. Briglia recounted that the General Assembly had really revamped the proffer code in 2016 and restricted the localities' abilities to, in some way, sit down and negotiate with developers/land-owners that are doing re-zonings. Mr. Briglia reported that the Town had updated its code after the 2016 amendments, and it basically says that proposed proffers are required to be formally submitted before the first public hearing for the Town Council. So, an applicant for a rezoning will submit their application to the Department of Planning and Zoning (DPZ) and then submit it for review and recommendation to the Planning Commission. Mr. Briglia said that currently, it is at that point that developers are submitting their proffers. That timing is not technically required by Town Code, but the Town would encourage developers to submit their proffers at that time in order to get that important

feedback of whether their proposed proffers are addressing the impacts of the proposed development.

Mr. Briglia advised that a condition of a re-zoning proffer is that it must be related to some impact of the zoning density that is not something that would normally occur with the redevelopment of the property. In other words, it has to be an issue that is directly related to the impact of that rezoning. Mr. Briglia said that you can't just proffer things that you want to make nice or make the development look nicer.

Proffers address issues such as transportation, schools, or parks that are directly related to the impact of the re-zoning, Mr. Briglia reiterated. He said that there are things that the developer is supposed to proffer to address concerns that are raised in comprehensive plans, future needs, or deficiencies in the locality. Extra transportation needs from extra density may need to be addressed, too. Mr. Briglia said that the classic proffers are for counties and cities managing their schools, but the Town of Vienna does not have any control over the Fairfax County Schools.

Per Mr. Briglia, the proffers come in, they are vetted out, by staff and the Planning Commission recommendations, and there is always going to be a public hearing on any re-zoning. Mr. Briglia reported that the proffers can be amended. He stated that if an additional issue is identified after the public hearing, unless it materially changes the plan, then the land owner/developer can and should amend proffers to address those issues. The State Code specifically allows for amendments after the public hearing to address issues that came up in the public hearing and further benefit the locality. However, in the case that the changes significantly change the site plan or some conditions there, then the plan would have to go back for recommendations and another public hearing. Mr. Briglia noted that proffers are designed to benefit the locality, not the developer.

Council Member Springsteen said that he was concerned about the proffers and he would like to have the proffers a week in advance of the public hearing. He said for the sake of open government, people should know what the proffers are, and he would rather just have them out in front a week or so in advance.

For the subdivisions but not the bigger projects, Council Member Bloch said that there are many times where Council closes the public hearing and then votes on it in the same evening. Mayor DiRocco posed the question, how about if the proffer was first mentioned at the meeting. Council Member Springsteen maintained that he would still like to see it a week in advance. Council Member Bloch said that the extra week could prevent a Council vote on the project within the legally required time limits. Council Member Springsteen said that he was concerned about these bigger projects. Council Member Bloch said that she understood that but still, between the Planning Commission public hearings and them coming up for a vote and then Council public hearings, she would rather give the citizens an opportunity to have more than one public hearing and not have to suggest that one of the options would be to waive the 100 day limit for Council to rule on it.

Council Member Sienicki pointed out that a proffer can be changed after the vote. Mr. Briglia confirmed that was correct, and noted that the developer/landowner would have to come back and go through a process for that.

Council Member Colbert opined that proffers are beneficial things that the citizens and the Town wants, and questioned why Council Member Springsteen would insist on having them a week in advance. Council Member Springsteen opined that it is

better for the process and he thinks it is good to know what the proffers are. He stated that Falls Church City has their proffers out well in advance.

Mr. Briglia clarified that the proffers must be submitted prior to Council's public hearing, and if there was a new proffer that materially changed the proposed development then they have to go back for another public hearing. Mr. Briglia said he thinks there may be some changes this year; he thinks there is some bi-partisan support as well as the building community wanting to tweak that a little bit.

Mr. Briglia narrated that sometimes, with site-plan modifications, someone will come in and say, we want to do our building this way and we want our drive-through stacking lanes this way, and we need a site plan modification, and that is probably because they are getting the feedback from Council for the first time. Or, hypothetically, it could be that Council might offer to do something under the condition that the developer shift the stacking lanes of the drive-through. Mr. Briglia said that there is nothing wrong with doing that, and he was just trying to illustrate where these conversations come up so people can know what is going on and how they are tweaked.

Council Member Majdi remarked that there are two sides of it; you want to maximize the opportunity to get the proffers that are to the Town's benefit, but on the other side, you want more time to consider the proffers and how that affects your vote on an application. Council Member Majdi said Councilman Springsteen makes a convincing argument, and perhaps a window of time, whether it is one week or several days so the proffers could be published, is good for transparency's sake.

Council Member Bloch asked, what happens if there is not enough time to consider a proffer before Council needs to vote? She said it might take the developer some time to consider the feedback from the public hearing and the feedback from Council and what that means in terms of their proffer, but then if you are asking for them a week ahead of time, then that puts off Council's vote on the night of the public hearing.

Mayor DiRocco asked, what if the amendment is very minor? She said that Council can tweak things. She then asked, but what if it is significant? Could Council ask for more time or chose not to vote?

Council Member Majdi said that it is a trade-off, but he said it would not be good to have multiple Council Members see a proffer for the first time as they are sitting down at a Council Meeting.

Council Member Bloch said she did not mind some lead time, especially on some items, but she was not sure if a week is always necessary. She further noted that whether the proffers were a minor tweak or a major tweak was a subjective judgement.

Council Member Noble said that in his observation, there needs to be a time-point as part of the conversation/negotiation, because that point in time is leverage in terms of the conversation. He continued talking about that and reiterated that there needs to be a time-point and Council needs to agree on what that is.

Council Member Sienicki commented that perhaps they were making kind of a mountain out of a mole hill, and as Council People, they should be able to make those kinds of decisions, even at the meeting if somebody throws something out. She said that the proffers are going to be in there, there may be modifications to them, but that is something Council has to do on a case-by-case basis and she thinks

putting a time-line really does not change anything for consideration. She reiterated that they should take it on a case by case basis, and she did not think there needs to be a time-line on that.

Council Member Majdi asked why Vienna cannot be involved in proffers regarding schools. A discussion followed regarding schools, their capacities, some demographic history of Vienna, and causes of the demographic changes.

Council Member Colbert asked Mr. Briglia about the idea of developers contributing some money for parks. She read a portion of the Town Code that said “except for off-site transportation and public facility improvements, no condition shall be proffered that is not related to the physical development or physical operation of the property.”

Mr. Briglia said that Council is getting ready to do park studies on that. Council Member Noble noted that a park is a public facility.

Mr. Briglia advised that the Town cannot ask for proffers on by-right development.

Mr. Briglia indicated that under existing law, for a re-zoning to qualify for proffers, there must be a documented deficit. As an example, he offered a hypothetical situation as follows: “Say you have a school system that is not over capacity. Somebody wants to come in and build 50 houses. If the current system could accommodate those additional kids for those additional 50 houses, there is no proffer that the developer can be required to do.”

Mr. Briglia said that “you have to tie it to a desperate need,” and that is why the studies that Council does are very important not only for possibilities and for the comprehensive plan, but also for proffers. Another Council discussion followed.

Mr. Briglia said that under regulations, Council can certainly encourage developers to submit amendments after the public hearing as soon as possible, including any amendments. He further narrated that if Council gets along collectively as a body in their meeting, and for the first time Council Members are bouncing things off each other, saying what they like, the developer could come and say, I hear what you are saying – what if I did this? The code allows Council to make that amendment during that meeting, as long as it doesn’t materially change anything. Mr. Briglia said he would be afraid of Council losing that kind of flexibility, because they could certainly encourage developers to submit amendments after the public hearing as soon as possible, including aspirational.

Council Members Bloch and Springsteen said that might be useful. Council Members Bloch and Noble suggested that it could be part of the process that Ms. Petkac sets up or even part of the MAC guidelines. Mr. Briglia said it was a double-edge sword because Council is not supposed to get into these “give and takes” with the developer prior to a certain point, but Council seeing them a little early would help them to be prepared at the meeting to give their input.

Council Member Noble said he disagrees with the initial time-point for that, whatever it is.

Mr. Briglia said that he and Ms. Petkac may be coming up with some proposed language that will address that.

2. Meeting Adjournment

The Town Council Work Session of Monday, February 11, 2019 adjourned at approximately 10:47 p.m.

Mayor Laurie A. DiRocco

Signed / Dated: _____

Attest: _____
Deputy Town Clerk

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.