



Town of Vienna

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

Meeting Minutes Town Council Work Session

Monday, March 4, 2019

7:30 PM

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

Joint Work Session with Planning Commission

1. Regular Business

Town 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*

Planning Commissioners present:

*Michael Gelb, Chairman
Sarah Couchman
Mary McCullough
David Miller*

Staff Present:

*Steve Briglia, Town Attorney
Lynne Coan, Communications and Marketing Manager
Michael D'Orazio, Deputy Director of Planning and Zoning
Michael Gallagher, Director of Public Works
Leslie Herman, Director of Parks and Recreation
Charles Lewis, Information Technology Coordinator and Network Administrator
Kelly O'Brien, Principal Planner, Planning and Zoning
Mercury T. Payton, Town Manager
Cindy Petkac, Director of Planning and Zoning
Carol S. Waters, Deputy Town Clerk*

A. [19-1185](#)

Limiting Discussion with Developers

Mr. Payton opened the work session at 7:30 p.m., thanked everyone for coming, and outlined the meeting's agenda. Town Attorney Steve Briglia said that a question had come up about possibly limiting discussion with developers and passing an ordinance that would require any meetings by members of the public body to be in public. He said that he had looked for Authority in Virginia law to do a local ordinance to restrict those kind of meetings. He noted that it would probably implicate the first amendment, the Virginia Conflict of Interest Act, and the Freedom of Information Act because those cover interactions with people doing business with a locality. Mr. Briglia reported that he could not find any authority in Virginia that would enable any locality to pass an ordinance restricting individual contact by a representative of a developer with any member of council or planning commission. He said that there could be an argument that it would be prohibited under Virginia

Law. Mr. Briglia defined a "public body" as not just the Town Council, but any board or commission that is discussing public business. He said "public business" would be anything regarding a rezoning, a subdivision, or site plan modification. Three or more members of a public body can discuss public business with a developer or property owner, but it must be at a public meeting that is advertised at least three business days in advance. Mr. Briglia stated that he does not think the Town has authority to adopt an ordinance that would expand or make that definition greater than what it is now. Mr. Briglia went on to talk about balancing issues with first amendment speech. Under FOIA (The Freedom of Information Act), free speech between a developer or property owner and members of a council or a planning commission is limited to a minimum of three or more council or planning commission members, and it must be in a public environment. Mr. Briglia noted that some local government attorneys have some concerns about limiting free speech in that manner. The reason, he said, is because of a case eight or nine years ago with Citizens United which was an expansion of basically corporate rights under the first amendment. Years and years and years ago, Mr. Briglia recalled, the U.S. Supreme Court said that corporations are people for the purposes of certain activity with the government. Mr. Briglia recounted that the 2010 case of Citizens United versus the Federal Election Commission was basically in reaction to lobbyists having more influence than an individual person could have, and so Citizens United brought action against the Federal Election Commission saying they were being restrained by being treated differently than individuals who had rights to lobby. And the Supreme Court agreed and basically said, especially in the area of political speech, corporations have the same protection as individuals for rights to speech. Mr. Briglia then asked if individual property owners have a different right than a developer or a representative of a developer. He answered that they have the same rights under the first amendment. They would have the same right of access to an elected official or a public body that an individual would have. Mr. Briglia said that that still begs the question, in these situations where you have some re-development where there is going to be a matter before the public body, does the public body have to speak with that applicant, and the answer is no. No one can force you to talk to people. But you have to be careful; you don't want the applicants to think that one person is speaking for entire public body. And that is really just to avoid confusion and hard feelings. In most elected jurisdictions there is not one person in a deliberative body who has the final say so, because it is a deliberative process. So it needs to be always clear to applicants that these discussions are going to be in public, there is going to be public input, public hearings in most situations, and it is very difficult for the decision making body to come to a conclusion until they have actually heard all the inputs. So, that is the general process that we follow in the Town. Mr. Briglia continued to tell the Town Council and the Planning Commission that the warning is, if you do choose to meet with people, you make that clear to them, especially in the situation with developers who may be submitting proffers. In 2016, in the context of development, changes were made in to the Virginia Statute about how proffers can be suggested, and pretty much, proffers have to be offered by the developer. There is not supposed to be a suggestion, it is supposed to be implied or specifically written in your zoning ordinance, where the proffers are, which is very difficult in many situations because you are having to also address in a proffer a specific need or a specific impact that is caused by that development. It may sound like a good idea for a developer to offer something but it may not be an offer that the locality can even accept. Mr. Briglia summarized that that is why the vetting of proffers is a much more formal process than it used to be in Virginia, and he could find no legal authority to adopt an ordinance that would limit private meetings between property owner developers and elected or appointed officials.

Council Member Majdi asked, if they can't do an ordinance, could they do a Town policy for the website that elected officials and commissioners will not meet with applicants, specifically MAC applicant, off the record. He also suggested doing a resolution about off the record conversations moving forward. Council Member Majdi enumerated his reasons for why this would be a good idea: 1. Transparency is good, the public stays informed, and there is more understanding. 2. Ex-partake vacations are not appropriate for the MAC, under the MAC this Council is responsible for decisions that affect tens of millions of dollars of property rights because the MAC is an optional zoning overlay; these are voluntary. 3. Anchoring in the negotiations, the first bit of information has strong influence on the outcome of negotiations, so under that principle, the first MAC presentation anchors the parameters for the application, and professionals will use that principle for their advantage. 4. Protecting Council Members who don't want to engage in off-the-record conversations is good, if a developer with an application worth tens of millions of dollars wants to meet with an elected official, a council member should be able to say no but also be able to point to a Town policy.

Commissioner Gelb stated that the Planning Commission is in the process of drafting by-laws which discuss this issue of meeting with an applicant. He said that their current draft says that you can do it, but that you need to disclose it. Commissioner Gelb said that is just an alternative and he does not feel strongly one way or the other. He added that he is not in the habit of meeting with applicants outside of the process.

Council Member Sienicki stated that as a Council Member, she feels that her primary duty is to represent the entire community, and that includes businesses, citizens, visitors, and everybody. She said that she believes that she needs to do that within the boundaries of the laws of the Commonwealth, the Town Code, and the United States. Council Member Sienicki remarked that there are many various opportunities to speak in venues scheduled, un-scheduled, formal or in-formal, and she feels that that is an important and primary right to speak to anybody. She opined that any restriction of free speech is really not appropriate; free speech is a fundamental right and she disagrees with making any policy, or code or any changes to that.

Council Member Springsteen indicated that for the sake of transparency and accountability, he preferred to have a policy of meeting with people at the Town Hall and with staff present, as opposed to just going out for coffee or something informal.

Council Member Noble noted a concern with how to distinguish between a big developer and somebody who comes to Council Members individually to discuss a complex fence permit that is a problem; they are both still zoning applicants. Council Member Noble posed the question of how to legally utilize a blanket policy which distinguishes one type of property owner we supposedly don't like versus one type of property owner who is simply a constituent who is trying to do something.

Council Member Majdi opined that it is also important, when they are considering this, to talk about giving Council Members an opportunity to cite something and say, no, I can't meet with you because we have a policy against it. He added that after he has made votes that applicants did not like, he has been pressured by way of threats to change his vote on MAC applications. Council Member Springsteen concurred that Council was threatened by someone, and it was documented in the

May 11, 2016 minutes on page 15.

Planning Commissioner Sara Couchman said she disagreed that the MAC should be treated any differently than anything else, and she perceived this to be another effort to make the MAC even more difficult. She said that they could just say they are not comfortable with this and you can refer the person in question to the Mayor or to the Town Attorney, or the appropriate person.

Council Member Colbert opined that it is up to all of the Council and Commissioners to hold themselves to a standard and have some integrity to not succumb to a threat. She said that she sees nothing wrong with a private meeting, and from what she understood of Mr. Briglia explanation, Council can't have a policy on that anyway, because that is freedom of speech.

Mr. Briglia said that he thought they can have guidelines that serve as guidance to help stay out of trouble, and that is what his suggestion was. He commented that it brings up the question of what to do if a member disregards guidelines. He said that the Town Charter addresses how to sanction Council Members, there are limitations to sanctions under the State Code, and Robert's Rules has some guidelines for how to sanction people. However, he asked, if it is a protected right of the applicant, elected official, or public body member, then how would they be sanctioned.

Council Member Majdi said that he would provide some suggestion on a Town policy and offered to collaborate on a proposal if anyone was interested.

Council Member Noble expressed interest in the Planning Commission's draft policy, as mentioned by Commissioner Gelb. Council Member Noble commented that many of these recent developers are people who live in Town who Council may interact with separately, or may see at town events. He added that he would be happy to follow up with Council Member Majdi on policy suggestions.

Planning Commissioner Mary McCullough advised that the draft guidelines are on Granicus (software) and could be seen on their January 23, 2019 meeting. She said the draft lays out the expectation that the member is just doing fact finding, not making a position, and not stating support or opposition to anything.

Mr. Payton indicated that if there was no direction for Staff on this matter at this time, they would continue the work session with the next topic.

B. [19-1173](#)

Joint Work Session with Town Council and Planning Commission to Discuss 380 Maple Mixed-Use Mac Rezoning Application

The Mayor and Town Council, Members of the Planning Commission, members of the Department of Planning and Zoning, the applicant and his team were all present to discuss concerns and suggestions for the proposed development. The project proposed was about 7,500 square feet of retail on the ground floor plus 40, two and three bedroom condominium residential units. Applicant Dennis Rice of JDA Custom Homes and his architect, Thomas Kylo, were requesting a modification of zoning requirements for an additional half story of parking towards the rear of the building and a nine-foot awning along the whole front façade, projecting in the required yard set-back. A third waiver, for an increase of impervious surface area, was permitted by the use of incentives within the MAC (Maple Avenue Corridor Zone) Code.

Mr. Rice, his civil engineer, his traffic engineer, and Mr. Kylo answered questions and discussed the citizens' concerns with traffic, trash removal, building size, the

building orientation, the wall on the back of the property, and light projection from the building.

According to Mr. Rice, citizens had said they would like to have a wall on the back of the property for noise control, but the idea had gone back and forth. The Board of Architectural Review had become involved, too. Mr. Rice suggested to have clear, open space without a wall because a wall would limit accessibility to their little pocket park. However, he also said that they are flexible about it and will follow the guidance of the Town Council. Planning Commissioner Steve Kenney noted that the Board of Architectural Review had heard from citizens that the wall would have value for blocking noise. Commissioner Kenney commented that the new building would block the sound from Maple Avenue and he would suggest that maybe they could put the wall at the far end of this property and connect it up to the building itself.

The proposed building will be solar ready, Mr. Rice stated. According to initial reports, they can get 160,000 kilowatt hours per year off the building. Mr. Rice said that the building size had been reduced about 10,000 or 11,000 square feet since the development was first proposed.

After spending about \$6,500 for testing to determine where the water table is, Mr. Rice said they dropped their plan to add parking underground. Instead, they propose to use the space behind the retail area to add a second level of parking. Mr. Rice reported that the project meets the parking requirements for both residential and retail parking without the use of any MAC incentives. Adding the second level of parking would allow parking for an additional 35 cars, theoretically keeping people from parking in the surrounding residential neighborhood. The neighbors had opined that the second level of parking would be a fifth story. Responding to Council Member Colbert's questions, Mr. Rice detailed that the retail space on their building is 20 feet high from floor to floor, and rather than have a parking lot with a 20 foot ceiling behind the retail, they were going to put an additional level of parking in there. He said it would not raise the roof of the building and would be indiscernible from outside of the front, rear, and sides. Council Member Noble asked why the level of parking does not meet the definition of mezzanine. Director of Planning and Zoning, Cindy Petkac, said it was because parking is not a commercial use. Deputy Director Michael D'Orazio added that the definition of mezzanine in the Town Code says habitable. Council Member Noble said that if it is not a mezzanine, then it is a floor and if it is a floor, it is a fifth floor, and that specifically violates our code. Mr. Rice stated that they are prepared to withdraw the parking level, if it is an impediment to the approval of their application. Ms. Petkac cited that Planning and Zoning defines it as a half story, and it is internal to that floor. She said the hard floor to floor is the 20 feet that is provided on the ground level and this is an internal half story. Council Member Noble suggested that a more technical memo on that, as to why that is the logic, was necessary as part of the whole mezzanine conversation.

Sara Couchman, Planning Commissioner, asked Mr. Rice if the exterior of the building would change in appearance in any way if the parking level modification were not approved. Mr. Kylo said they would lower the building down from the podium, and that would then lower down the 16 feet from floor to floor from the first floor to the second floor. So it would lower the building down some in the back if the intermediate level of parking was taken out, and the podium would come down about four feet. Commissioner Couchman said, so theoretically you could leave it as is and eliminate that half story, and on the exterior it could appear just as it would

with the half story and 35 additional parking spaces that would keep cars off the street. Mr. Rice said yes.

Planning Commissioner Kenney said, let's stop calling this a half story or half floor; it is a floor, and if they apply to Fairfax County for a building permit, they will have to say it is five stories. Mr. Rice said he agreed.

Council Member Majdi said that he was not big on the four-floor or five-floor debate, and the reason we are so interested in the number of floors in designing the MAC is because that is a proxy for questions about building height and size. Council Member Majdi said that for him the real issue is the building height. He said that if the modification within the building will enhance the application, that is worth considering. He said that the trade-off is more interior parking in exchange for what sounds like a roughly four feet of height.

Mr. Rice stated that his proposed development would be the only place that he knows of in the Town of Vienna that would have an enclosed trash and recycle center. Mr. Rice reported that after consultation with numerous trash companies, he learned that they will no longer back any trash truck into a building. Mr. Rice asserted that there will be enough room to pull the truck to the side of the road to pick up trash. Mr. Lee Kim, the civil engineer, reported they have confirmed the site distance and the ability for large trash vehicles and school buses to be able to navigate that turning movement from Maple Avenue onto Wade Hampton Drive and vice-versa. Responding to Councils' questions, Mr. Rice stated that the proposed development will have a trash compactor and a recycle center, trash is picked up twice a week, it takes three to three and a half minutes to load the trash truck, and the truck can sit in the right-turn lane on Wade Hampton Drive and not impede traffic onto Maple Avenue. Trash trucks will be able to turn into the proposed property or make a three-point turn on Wade Hampton, and they will not have to go through the residential neighborhood.

Mr. Kim pointed out that their proposal creates a dedicated right-turn lane on Wade Hampton Drive, to turn right onto Maple Avenue. Currently, Wade Hampton Drive has just one lane in and one lane out to access Maple Avenue. Mr. Kim said that he and Director of Public Works Michael Gallagher have found the geometry and proposed lane assignments to be acceptable. By isolating and dedicating a lane just for right turns, they are moving that traffic from the through and the left turn que, and will have the ability to stack about three or four cars there before interfering with deliveries or trash pick-up. Mr. Kim noted that any trash vehicle would be able to pull into the dedicated apron and not block the through and the left movement on Wade Hampton Drive.

Council Member Noble said he had noticed discrepancies in some of the signal-timing items in Whitman, Requardt and Associates LLP's independent review of the transportation study. The traffic engineer for this project, Andy Smith from Kimley Horn and Associates, said that they, too, had noted discrepancies, possibly between the files themselves that had been distributed. Mr. Smith said they would look into that further and report back with corrections.

Mr. Smith said they are showing "No Left-Turns" coming out of the garages of the proposed development in order to mitigate any additional traffic going through the neighboring residential properties. They were considering to add a curb to force vehicles to turn right out of the proposed development. This was also referred to as a "pork chop," or a channelizing island. However, Mr. Smith said that there was

not enough space for the channelizing island without interfering with the sidewalk and going into the Town right-of-way. The civil engineer said that a channelizing island could be used if the Town is amenable to having a portion of it within the Town right-of-way. Mayor DiRocco opined that it was worthy of more discussion with Town Staff and seeing what all the implications would be. Mr. Smith further reported that the geometrics of a pork chop may not work because there would still be left-turns into the development. He noted that they can look at other ways to limit left-turns beyond signage.

Planning Commissioner Mary McCullough remarked that they should all be proactive in their views, but they don't want to create a bigger problem.

Council Members Springsteen and Bloch asked about general delivery trucks and loading docks for the proposed development. Mr. Rice said there would be no problem, and they put in extra wide bays so the trucks could get in. There are two, 16 foot wide doors with 30 feet inside. Mr. Rice stated that his development will be the only place in Town to actually have an enclosed loading dock. Mr. Rice mentioned that there are no loading docks on Church Street, and no loading docks in the old Magruder's Shopping Center.

Planning Commissioner McCullough asked if delivery times and resident move-in times could be regulated. Mr. Rice said he had spoken to the trash companies and they offer windows of time when they will pick up the trash, either 9:00 to 11:00 a.m. or 11:00 to 1:00 p.m. Mr. Rice further stated that most, if not all, condos have by-laws which require the use of elevators for delivery to be reserved. They will have a locked-type door. Mr. Rice said that they are dealing with an attorney and she is writing the by-laws now, and one of her questions was what hours of operation were desired.

Mr. Kylo, with Kylo Patan Architects noted that the building has changed a little bit each time they have come back for meetings with the Town, and had gotten better because of the process. He said that they feel they have a building that meets what the MAC was intended to do. Mr. Kylo gave an overview of the changes. They added undulation of the building to create more drama, added some vertical bays, and lowered the parapets on the side of the bays a bit to create more going on with the building. The most prominent corner of the development has not changed and they are looking at some kind of restaurant or café on that corner. Mr. Kylo noted that in working with staff, they have made the loading area a bit wider and added another bay to increase the dramatic undulation there. At 39 feet 3 inches, the width of the loading area meets requirements. Mr. Kylo continued to say that they have provided a covered awning at the resident's entrance with some glass skylights there, and then they cut the vertical stair tower back, which lowers that and creates a sloped roofed that matches more with the rear of the building. At the back of building, it goes towards the more residential feel of the building. There is the undulating wall that Mr. Rice was talking about along Glen Avenue, and the green space in there. The undulating wall against the building will be part of the storm water management system. They have also broken the building up more in the back to emulate more of a residential feel. The Tysons side of the structure is one of the bigger areas that they have changed, Mr. Kylo noted. They have provided more color and more materials that play-off the residential side along Glen Avenue. They have the terraced area back there for the residents. On Maple Avenue they have the corner bay which kind-of punctuates the end of that building.

Council Member Springsteen asked how they would keep the traffic out of the

residential neighborhood. The traffic engineer said there was a possibility that they could try to restrict left-turns out of the site, such that it would be restricted to make that movement from the site.

Council Member Springsteen asked if there had been discussion to try to close off Wade Hampton Drive. The traffic engineer said he thought that that would be more up to the Town than to the applicant. Mr. Rice said that that had been brought up by several town residents and when he talked to Town Staff they said it would be appropriate for the residents to petition the Town Council. Mr. Rice said he is neutral on whether it is left open or closed, but they will participate either way.

Council Member Noble remarked that in cases where development projects might have neighborhood traffic impacts, prospective traffic calming measures should be considered as part of the application. He further commented that many times it is simpler and less costly to put in traffic calming measures when the site is under construction.

Council Member Bloch agreed that the potential traffic impact to the neighborhood should be part of the application and the entire process.

Mayor DiRocco inquired about sidewalk on those streets. Mr. Rice said that the new sidewalk, curb, and gutter will go down Wade Hampton and then will turn left on Glen Avenue and go to the end of his property.

Mr. D'Orazio spoke on a letter which had been received. He said there are a couple provisions under the neighborhood compatibility section in the MAC Zoning regulations that pertain to single family detached dwellings that are across the street and adjacent to, and one says that the lowest portion shall be nearest the single family adjacent detached dwelling. In this case, there is one across the street, not directly adjacent to, so, staff's interpretation is that this section does not apply.

Council Member Noble asked how an adjacent property and an abutting property were differentiated. Mr. D'Orazio reported that there is no definition in the zoning code, but the dictionary defines adjacent as touching or abutting. The Town Attorney talked about previous opinions and the legal interpretations. He said that at the direction of Council, the Town has taken the position to construe notice as liberally as possible for notice provisions. He opined that the interpretation of the Planning and Zoning Department is correct given the way the Town Code is written.

Michael Gelb, Planning Commission Chairman, asked Mr. D'Orazio about terraces not facing residents. He reported that a number of the neighbors have expressed interest in having the building reoriented so it would face on the neighboring homes. Mr. D'Orazio talked about some provisions pertaining to developments that have adjacent single-family detached dwellings, and said that abutting machines/vending machines cannot be oriented towards adjacent single-family detached dwellings. He said the same is true for outdoor areas, balconies, outdoor amenities and spaces, essentially. Mr. Gelb said that under our current interpretation that would be allowed, but if you interpret the single-family detached dwelling as adjacent, that would not be.

Council Member Sienicki asked Mr. Kylo if the green towers being shown on the front façade were actually projecting out over the front of the building. He said yes, it is a two-foot projection toward Maple Avenue and 12 inches on the Tyson's side. She then asked why that was not brought down to street level because right now, it

looks like it is resting on a one small pillar down below, and from her perspective the weight of the building seems to be sort of cantilevered over the awning there. Mr. Kylo said when you see this building from most angles and when you are underneath walking down the street, you will see that there is a real separation between that retail level and the residential above. And so, one thing they were trying to do with the bay was more of a nod towards the flavor of the residential above, and then again, from a lot of different angles you will see that awning as a real separation between the retail and what is above it. Council Member Sienicki also asked about building materials and how the 380 West sign was centered.

Council Member Noble asked about the widths of the different bays on the front side of the building. Mr. Kylo said they were 24 feet and 36 feet, in 12 foot increments. Council Member Noble said he liked the idea of the awning and the Art Deco kind-of numbering for the property, but he thinks that the differentiation at the base of the different bays could be more distinct so that it lines up more vertically instead of horizontally. Council Member Noble also remarked that when he looks at these buildings that have individual bays, he thinks of them in the context of whether somebody would have built this building as a bay, as an individual building, sometime in the past as a stand-alone building. In his opinion, people would not build buildings 24 feet wide as an individual, stand-alone building. They would be 36 or 48 or something like that. Council Member Noble further opined that architecturally, it is in a reasonable place. He said he thinks it works a little bit better on the side but it is a little busy, but he knows that other people will have other opinions. More discussion of the architecture continued, with comments from Council Members and Planning Commissioners. They also discussed light projection related to the stair tower, landscaping, building orientation, and parking.

Director Petkac reported that the applicant would have a public hearing with the Planning Commission on March 27, 2019.

At 9:32 p.m. the group recessed for five minutes before the next agenda item.

C. [19-1175](#)

Joint Work Session with Town Council and Planning Commission to Discuss Sunrise Assisted Living Mixed-Use Mac Rezoning Application

Kelly O'Brien, Principle Planner in the Department of Planning and Zoning and lead planner for this project, overviewed the proposed Sunrise Assisted Living project as follows: The subject site at 100, 102, and 112 Maple Avenue East is 0.7376 acres. It is currently split zoned, C-2 and C-1A. The applicant requests a conditional-use permit for an assisted living facility with 85 units in the MAC Zone. Their first submission showed 8,400 square feet of retail space, and the revised, second submission proposes 7,700 square feet of retail. Upon conferring with the Town Attorney, it was determined that the 50% limitation on the mezzanine does apply in this situation. The mezzanine is currently at 60% as proposed and the applicant will speak more to that later. There were also modifications for the loading space being 15 feet rather than 53 feet, modification for the awning projecting 6 feet instead of 3 feet, and, using tandem and compact spaces for the parking garage. Ms. O'Brien stated that the Town Code does not currently have any parking standard for assisted living, so the applicant has provided a parking assessment study which looked at other similar properties and the parking ratios used there.

Sara Mariska with the law firm of Womble Bond Dickinson noted that the Sunrise applicants had attended a joint Planning Commission and Town Council work

session in August 2018. Ms. Mariska said that they received some good feedback at that work session and since then have had several work sessions with the Board of Architectural Review, who did endorse the project on February 21, 2019. Ms. Mariska noted that they had a Planning Commission work session this previous week that was also very helpful. For this work session tonight, she said they would like to discuss how the project has evolved and also talk about some of the issues that were raised with the Planning Commission.

Jerry Liang of Sunrise Assisted Living addressed and thanked the group, and added that they have also had some positive neighbor interaction, hosted some public meetings and intend to have another public meeting in mid-March. Mr. Liang displayed a splash page of the site's intersection view of Maple Avenue and Center Street. He reminded the group that Sunrise Senior Living is one of the Country's largest and oldest senior living developers and operators. It was founded 37 years ago in Northern Virginia. They care for around 25,000 to 30,000 residents at any given time, across three countries. Mr. Liang also noted that although there are other Sunrise facilities nearby, there are no other senior housing opportunities within the Town of Vienna. Mr. Liang stated that Sunrise provides the best quality and the best care and the best service in their sector, they provide assisted living and dementia care services for the frailest of the frail, and the average age of their residents is 87 years old. Mr. Liang mentioned the many manners of care provided by Sunrise, and that there is a silver tsunami of the aging baby boomers on the horizon.

Mr. Liang provided a satellite view of the North east corner of the site and discussed why the site is so challenging, with the large storm water and sewer lines running through it, the storm water vault, and it being such a low point that is subject to heavy flooding. It creates really challenging circumstances for building underground parking. Mr. Liang said they are proposing one floor of underground parking, but a second one is extremely expensive and difficult; potentially not feasible because of that high water table.

Mr. Liang showed a slide representing the first floor plan of the project as currently submitted. He detailed his team's ideas for diverting some of the sewer line running adjacent to the boundary with the Vienna Inn, creating a pocket park, and locating ambulance services. Mr. Liang answered Council Member Springsteen's question about parking garage height. Mr. Liang referred to their architectural team sitting in the back, and how they had continued to modify and improve the design through multiple rounds with the Board of Architectural Review. Mr. Liang noted their design philosophy to design for all four sides in this highly visible, central location. Council Member Majdi asked questions about the views.

Mr. Liang displayed the roof plan and pointed out the outdoor spaces over in the center courtyard for the residents. He explained how the "reminiscence residents" would have their own dedicated outdoor space. Sunrise was also proposing to have a green roof on the top of the fourth floor in order to help provide storm water management, and to do additional landscape upgrades around the building and along both frontages. Mr. Liang said that the pocket park, next to the Vienna Inn, was proposed to be open to the public. Views of the Sunrise from different perspectives were displayed. Council Member Noble critiqued the eye height and focal length of the images. He said that the images appear to be taken from a height higher than a person on the sidewalk, so it changes the perspective. Council Member Noble said that they need to see what it is going to look like for a pedestrian, not from a birds-eye view that forces the perspective to make the

building look smaller. More discussion about all of that followed.

Council Member Springsteen asked about powering a sump pump and the Sunrise team assured him that they would have emergency generators for the entirety of the building, located on the roof. They also said the garage would be fully sealed and water-proof.

More images of the proposed building were displayed and discussed, including the retail component facing Maple Avenue. Mr. Liang noted that the Planning Commission had concerns about the usage of the mezzanine. Council Member Noble advised that Sunrise's proposal for the mezzanine was non-compliant with the code, which is very specific about what a mezzanine is and its purpose and intent. Council Member Noble said that in terms of its type of use, Sunrise had created an independent floor, and in his mind, this would be a five story building.

Mr. Liang apologized. He said that Sunrise could remove the mezzanine all together, if they were able to utilize the entire ground floor for their purposes, particularly along Maple Avenue; Sunrise could move all of their common space, especially all of the very high-usage common space such as dining rooms, bistros, and the activity area.

Council Member Springsteen interjected, saying that now Sunrise wanted to remove all of the commercial /retail space and he did not think that is the intent of the MAC.

Director Petkac interjected that under Permitted Uses, Code Section 18-95.4, A, multi-family dwellings are permitted if they are not located on a ground-floor façade facing Maple Avenue. She said assisted living is not multi-family, it is considered a commercial use.

Mr. Liang continued his presentation, noting that this was just Alternative A and just something to consider. He said they wanted to capture the spirit of activating Maple Avenue, and with the busy Sunrise dining room on the corner, it creates almost like a restaurant effect. Mr. Liang went on to present Alternative Site Plan B where they preserved some of the third party commercial space and reduce the mezzanine to 50% coverage.

Council Member Sienicki asked if the 50% calculation included the parking areas. Ms. Petkac said they would have to confer with Town Attorney on that. Council Member Sienicki asked if residents would look out of windows onto the vehicular entrance, and if they were looking towards Church Street if they would be looking through the removable panels. Mr. Liang answered yes, and said the panels would only be on the mezzanine level, then they discussed how the panels worked. Council Member Sienicki also asked why an electrical box had been moved since the original proposal, and Mr. Liang explained.

Council Members and Planning Commissioners continued to ask questions about egress, commercial space on the mezzanine, steps to the mezzanine level, residents on the mezzanine level, where the dementia residents would be living, open space requirements, the width of the bays as a feature from an outside view, the number of staff people and where they would park, moving the sewer pipe and whose responsibility it would be, Sunrise's relative impact to storm water changes, previous reports on the condition of the storm water pipe, how far the pipe actually goes underneath the parking garage, the other pipes and their widths, a study done in 2015 in response to drainage issues in that area, the Town's schedule to replace

the pipes and the entire storm box if a developer does not do it, the bus stop, the Whitman Requardt traffic and parking study, the impact of the proposed redevelopment on neighboring properties, spill-over parking, the fact that tandem parking spaces were proposed when they are not allowed, and one Council Member's assessment that the proposal is probably under-parked by about 10 spaces.

The Traffic Engineer for Sunrise said that they did not anticipate significant traffic impacts to the neighboring properties, and their analysis indicates that the parking they provide will be sufficient to be contained on-site. Planning Commissioner Gelb asked, if it turns out that there is spill-over parking going into neighboring lots, and so forth, is Sunrise committed to some sort of education campaign or working with residents' families to indicate that nearby business lots are not there for over-flow parking for visitors to Sunrise. Commissioner Gelb asked them to please look at that.

Council Member Bloch asked what the overall, total residential population in the building would be and the potential for how many of those would be related to each other, because, that would affect the number of visitors.

Council Member Noble remarked that if the Town is truly trying to create a walkable space on one of the highest, land-use planning, value corners in Vienna, across from the library, adjacent to stuff on Church Street, and many of the folks living there aren't going to be as actively walking because of whatever, in terms of their relative ages or infirmity, etc., the Town may be missing a bit of the point of what a mixed-use development, residential component and walkability is. Commissioner Mary McCullough noted that a person in a wheel chair is considered to be walking, so having an assisted living facility in the center of Town provides an opportunity to people who might otherwise be land-locked in suburbia and can't enjoy the benefits of going to the Town Green or being taken across the street to the library. Mr. Liang noted that this location is very accessible, and one of the things they look for is site selection targeting the family visitors and family members who make the decisions to move their family members into a Sunrise and improve their ability to access and visit them. Council Member Colbert noted that the people who are coming to visit and maybe the staff might take the residents out.

Council Member Sienicki inquired about the accessibility of the exit of the loading area because of a curb and a utility pole there. The Traffic Engineer said that they have looked at that and are confident that the loading space can be accessed. Council Member Sienicki also asked for more information on the two bays that are projected out, regarding their depth and projection distance.

Council Member Majdi inquired about modifications for the loading space. Ms. O'Brien explained that the space was consistent with other Sunrises. Council Member Majdi also inquired about ingress and egress from the site, and Mr. Liang went over it. Then they talked more about the underground parking.

Council Members asked more questions about the pocket park and what would grow there, what is allowed or prohibited there, how often a truck has to pull in there to clean out the sewer, and they mentioned ideas for public art in the pocket park.

Ms. Mariska commented that the site is tough and small. She said that they were proposing to move the sanitary line and upgrade the storm sewer, which she

thought was a huge benefit. She said that they can't solve every single problem that is on this site, but they can solve a lot of them. Ms. Mariska also said that they have tried to look at options that are the best possible compromises.

Council Member Springsteen said that they have to make those changes on the sewer; anyone developing the site has to do that, so don't say it like it is a major plus to the Town.

Mayor DiRocco said that she would like to see all of those drawings to see what it would look like if they removed the entire mezzanine, did 50%, or reduced amount of retail. She said she would like to see what is available and to get a clarification on the definition of what that is and what that means – is it 50% of the whole floor, and whether that is including the parking or not.

Council Member Majdi said that he thinks mezzanines and floors are important in so far as they affect height and density. He also said that 85 is a lot of units in his opinion, and if they could find a way to decrease the number of units by way of height modulation, this project would be a lot easier to vote for.

Commissioner McCullough asked questions about use of the two, separated elevators, and about monitoring people coming in and out in order to protect the residents. Mr. Liang explained that the elevators are programmable, etc., and they intend to have a concierge.

Director Petkac asked if there was a need to reconvene for another joint work session, and Mayor DiRocco said yes. Another joint work session on this proposal was scheduled for April 1, 2019.

2. Meeting Adjournment

The Town Council Work Session of Monday, March 4, 2019 adjourned at 11:27 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.