



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, June 3, 2019

8:00 PM

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

Regular Meeting

Invocation: Mercury T. Payton, Town Manager

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

1. Roll Call

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

2. Approval of the Minutes:

A. Approval of the Regular Council Meeting Minutes of April 29, 2019

It was moved to approve the minutes of the Regular Council Meeting of April 29, 2019 as submitted.

A motion was made by Council Member Pasha Majdi, seconded by Council Member Carey J. Sienicki, that this was adjourned.. The motion carried by the following vote:

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

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

None

4. Reports/Presentations

A. Report and Inquiries of Council Members

Councilmember Noble asked Mr. Gallagher what the current timing for design and construction of Echols street is. Mr. Gallagher stated that he hopes to have it done this summer, he needs to work with the Finance Director on aligning the funds. It is approved for revenue sharing for FY20 VDOT which should be available shortly after July. The town needs to match their capital funds to do that, it is \$750,000. Councilmember Noble asked if they will be doing a design first and the construction to follow. Mr. Gallagher stated they would be doing reconstruction and they are going to be doing a full depth reclamation which is a different process, more efficient and less expensive.

Councilmember Noble congratulated the soon to be graduates of Madison High

School.

Councilmember Colbert thanked the Police and Parks & Rec for helping out with ViVa Vienna on behalf of the Rotary Club. She also thanked all the residents that came out and supported, everyone just came out and came together as a community, this is her favorite event of the year.

Councilmember Colbert congratulated the Town Manager and his wife on their eight baby, Austin Octavius Payton.

Councilmember Sienicki thanked the Police and Parks & Rec for their extremely quick response during the horrible storm that went through and took out so many branches and trees to get out there and clear the streets. There were a lot of unexpected road closures and things like that.

Councilmember Sienicki also stated that a lot of citizens thankful for the construction that is going on for the sidewalks on Church St. The crew that is working there has been doing a really good job. She has heard a lot of good input and feedback from the residents that live there.

Councilmember Springsteen reported that the Church Street sidewalk project is almost done and it is going to be pretty impressive when it is done.

B. Report of the Town Manager

Mr. Payton introduced Zeek Dowdy with Glass River Media and is going to assist Town of Vienna to step up their game in order to make some improvements with the cable channel.

Mr. Payton also reported that the staff has reached out to Virginia Beach regarding the shooting. They have also spoken with the town's employee assistance provider to make sure they are available and accessible to any employee who feels stress or anxiety based on what happened last week. They have also recently had active shooter training and will continue to do that to make sure staff is comfortable.

C. Report of the Mayor

Mayor DiRocco thanked the Director of Parks & Recreation, Leslie Herman, John King and all the Parks & Recreation staff for doing a great job supporting and working the ViVa Vienna festival. It is a lot of work over three days where they do set-up, work the entire weekend and then clean-up. She knows that the Rotary Club of Vienna is very grateful for all their service and wanted to give them a big thank you!

Mayor DiRocco also thanked the Vienna Police Department who was also there to make sure they were safe during the festival, there are thousands of people that come to it and is important that we maintain safety.

Mayor DiRocco gave a big thank you to the Vienna Rotary Club. This is a very special community event that is held every Memorial Day Weekend and is an all volunteer group. They spend countless hours preparing for this and putting in all together. All the money raised is then given back in to the community. They give it back to school organizations, non-profits and community organizations. It is a wonderful special event.

D. Proposals for Additional Items to the Agenda

None

E. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened this date, Monday, June 3, 2019, the Town Council met for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

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

And it was further moved that the Closed Session be continued to Monday, June 17, 2019 at 7:00 p.m. in accordance with Virginia Code Section 2.2-3711.A.(1), for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and /or re-appointment to Town Boards and Commissions.

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

It was further moved that Mary McCullough be re-appointed to the Planning Commission for a two-year term. Said term shall be effective from August 15, 2019 through August 15, 2021.

It was further moved that Bard Sullenger be appointed to the Bicycle Advisory Committee for a two-yr term. Said term shall be effective June 3, 2019 thru June 3, 2021.

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

The item was approved as shown above.

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

5. Public Hearings

- A. [19-1295](#) Continuation of public hearing on rezoning of 374-380 Maple Avenue W from C-1 Local Commercial zone and RS-16 Single-Family Detached Residential zone to Maple Avenue Commercial (MAC) zone for 380 Maple, a mixed-use building with ground floor retail and multifamily residential condominium units.
AND
Consideration of a request for a related modification of requirement.

Mayor DiRocco called the continuation of the Public Hearing to order at 8:23 p.m. The Town Clerk called the roll and all members of Council were present.

Ms. Cindy Petkac, Director of Planning and Zoning, explained that since the hearing on May 13, 2019, the applicant has revised their concept plan and architectural drawings and were provided in the packet of materials. She further stated that she will highlight where they are in the process, will go over some of the changes that were made in response to comments and questions that were made at the last hearing and then she will go over the updated proffer statement.

The applicant first held a number of work sessions with Council, the Board of Architectural Review and the Planning Commission in 2017, before they submitted their application in September of last year. Prior to that submission there was a joint work session between the Planning Commission and Council. Since then the application has been going through the MAC process which first requires the applicant go to the Board of Architectural Review where they then make a recommendation to Council. The Planning Commission also holds public hearings before making a recommendation and then the Council holds their public hearing. We are now at the Public Hearings for Town Council. As she mentioned the applicant has revised their concept plan and architectural drawings and those are date stamped May 22nd. Included in the packet of materials a number of revisions have been made which she explained in further detail. The revisions that were made were in response to either comments or questions that came up at the last public hearing. They had noted that the impervious surface calculations were noted differently and they revised those to not include the green roof. They are showing the serpentine wall for the bio retention facility in the rear of the building and they have also removed the wall that was along the sidewalk on Glenn Avenue and the green space now shows landscaping and trees along with native pollinator's. The auto turn exhibit has been corrected and revised. As she mentioned they have included a proffer statement. There was a comment made that between the access to the structured parking for the retail and the loading area that there was a rather wide expansive of concrete and there should be a pedestrian refuge area which they have now included and it is shown on the plans. They are also providing a transportation demand management plan which she will go over in the proffers. There was a comment made about the sidewalk ramp and that final design will be addressed during site plan. They are also proffering the undergrounding of utilities along Maple Avenue and is also noted on the plans.

Ms. Petkac went through the seven proffers that were addressed in their proffer statement. The first is under 1.1 and they have proffered the inclusion of 7500 square feet of retail. In the proffer they had set a maximum of 40 dwelling units while the plan have shown 37, they have now revised that to 37 so it is consistent to what is being shown in the plans. Her understanding on why they had included the 40, is that they were including the 3 storage spaces in the 40 but they have corrected the proffers to state a maximum of 37 units. As with all MAC rezoning the architectural design has to be in substantial performance to what is approved in the rezoning and what goes to the Board of Architectural Review for final approval. The maximum height they are proposing is 54'. She noted that they are proffering the installation of solar panels which is shown in 1.5. They are noting that they will maintain all exterior areas. She just received the updated proffers and now sure how they addressed this, but they had noted to them that under transportation that they are required to provide a sidewalk on Glen. If they want to go through and the Town Council would like to waive that sidewalk, in lieu they are proffering up \$79,950 for other traffic safety improvements on Roland and/or Glen. They have to provide a

sidewalk but if Council waives that requirement on Glen they could use that money up to \$79,950 to do other improvements which could include a sidewalk on either the bend from Wade Hampton to Roland or Glen. She just wanted to note that the proffers should not reference anything that is required in the MAC. Again, the same for 3.2, the constructing of sidewalks on Maple Avenue and Wade Hampton that is a requirement of the MAC so it should not be proffered. Transportation Demand Management is very similar to what they are proposing for some other MAC rezoning's, hiring a transportation management coordinator, providing information on alternatives to automobile driving, information on COG and Metro rail in things of that nature which this goes into detail on what that TDM plan includes. In proffer #5 for lighting, it states all lighting would be downward facing which is a requirement in the MAC. This should also not be included as a proffer since it is a requirement. On landscaping, at the last hearing there was some discussion on the types of trees and shrubbery and things of that nature that would be provided, not only in the landscaping behind the building, but they are also proffering landscaping on the other side of Glen, on the south side. The applicant did talk the new urban arborist for the town and he recommended the species that are listed. More details on the exact location, the exact type and spacing will be determined through site plan. The Comprehensive Plan recommends that during re-development or development, that utilities should be underground and the applicant is proposing to underground utilities as shown in the plans and as proffered.

Ms. Petkac stated in summary, the proposal is now consistent with the Comprehensive Plan/Future Land Use plan which shows this area as mixed use and now with the proposed proffer for undergrounding utilities, they meet that requirement as well. The rezoning concept plans meet the requirements of the MAC zone with the exception of their request to modification of the requirements for the awning to encroach an additional 3' beyond what is allowed.

Councilmember Springsteen asked the Town Attorney if all proffers are supposed to be submitted before the start of the public hearing or can you continue to add proffers. Mr. Briglia stated that they are required to be submitted with the application and can be amended in response to the public hearing. As a matter one of the purposes of public hearing is to tweak the proffers. Mr. Briglia stated he wanted to do a correction of the proffers. There was some language about the sidewalk on Glen and because his original understanding was the applicant had said well if you don't want that then I will contribute almost \$80,000 for traffic safety improvements along Wade Hampton Dr. They added basically a new provision to that same proffer section that says that if the town elects to accept the \$80,000 for traffic safety improvements, the applicant will still install sidewalks on Glen Avenue. So they are doing more in response. To answer Councilmember Springsteen's question, yes they can modify proffers if they are in response to the public hearing.

Councilmember Bloch asked to clarify that the almost \$80,000 is to either sidewalk further on Glen or wherever we decide that sidewalks or road improvements would be beneficial. Mr. Briglia stated they had to be reasonably identified and be reasonably related to the project. The transportation improvements that it would go to fund would be money given to the town to make traffic improvements on those stretches of road, Wade Hampton Drive and Roland Street and they would have to be traffic safety improvements. It can't be used in another part of the town and has to be spent within so many years. Councilmember Bloch understands that but as part of the project it is not an "or", it's not sidewalk on Glen behind the project or something else. That sidewalk on Glen has to be constructed and this is additional

money proffered for additional traffic calming or road improvements for pedestrians. Mr. Briglia stated that was his understanding with the amended proffer and he thinks the "or" was left in as there was some discussion on whether the town even wanted it and that is why the Director mentioned a waiver, does the town want that sidewalk on Glen. It is a requirement under the MAC that there be a sidewalk installed on that back section.

Councilmember Noble stated that this is similar language to how 444 offered monies towards traffic safety or traffic calming improvements on Roland Street for a dollar amount but not really specifying what those improvements, explicitly, are going to be. His understanding with that application, and hopes it continues with this application, is that traffic safety improvements along Glen, Wade Hampton and Roland for this project, would be something where there would be a study for that initiated through the Transportation Safety Commission that would engage the community, and be supported by town staff, to collectively determine what those safety improvements would potentially be. He asked if that was a fair statement. Mr. Briglia stated yes. That is why when you have these kind of cash proffers to address offsite issues, you are given time. Under the proffer law you are given time to identify specifics and develop engineering. Councilmember Noble just wanted to make sure it was clear out there that there is a process to identify what the safety improvements are. None of them have been pre-determined at this time by any party. Mr. Briglia stated they are not specifically identified for speed humps or something like that.

Councilmember Springsteen asked if they had resolved the notification issue and we are completely in compliant with the law now. Mr. Briglia stated yes, the County has been notified.

Councilmember Noble asked if the County had responded in any manner. Mr. Briglia stated he is not aware, he has not received anything and he doesn't think the Town Manager or the Director has either.

Mayor DiRocco asked if the applicant would like to present.

Mr. Tom Kylo, Architect stated that basically what they have done, in item #1, they created the refuge sidewalk between the vehicular commercial entrance and the loading area. The area is 6' with a 5' sidewalk to allow for a turn around for a wheelchair as well. Further down the building they have taken out the rear wall and the storm water structure in the back they created an undulating wall back there and created a lot more area for green space. As part of the proffer the overhead wires will be undergrounded from the pole on the east side to the pole on the west side. It will travel down one pole, go underground for the length of the property along Maple Avenue, and go up the pole on the west side and continue on. He stated those were all the changes other than they are increasing the sidewalk to 8' along Maple Avenue. As part of creating the refuge sidewalk they reconfigured, a little bit, the trash area door and the loading area door. The loading area now has one large 20' door and the trash area is now an 8' door.

Mayor DiRocco asked if the undulated back wall is in the concept drawings. Mr. Kylo stated it is.

Councilmember Bloch asked Mayor DiRocco if she was talking about the wall for the parking garage or the wall for the storm management. Mayor DiRocco stated one was the wall for the parking garage that is now blocking in the parking garage and then also the small wall for the bio retention center. Mr. Kylo stated it was the storm water retention wall that is undulating. The wall for the parking garage is

not. Mayor DiRocco asked if it was something that could be done to compliment. The applicant stated it would be expensive.

Councilmember Noble state that he remembers the original wall was along the sidewalk, which was more of uva serpentine wall that was more tightly radius than this is but he understands what they have done. He asked if they were planning on providing additional architectural details on the garage wall panels so it is simply not a flat panel of one color. He just wondered what level of detailing they were going to do. Mr. Kylo stated that when they go back to the BAR they would like to present something to the BAR for their approval and input.

Councilmember Noble asked him to go back to the slide with the 3D rendering and pan around to the image of the serpentine wall.

Councilmember Springsteen stated that someone in town asked him if this is approved and someone wanted to move in what would the price range of the units are. Mr. Rice stated he could not tell him that yet. There is still a lot of stuff up in the air.

Mayor DiRocco stated that Ray Brill, a citizen of the town offered to the applicant and the citizens, to mediate between the two parties and see if there was some consensus around some aspects of the application that could be achieved. She asked Mr. Brill to come forward and provide an update.

Mr. Brill reported that they met on May 28th in the northside meeting room in the Community Center. They had six members from the neighborhood and two developers. They met for about two hours and talked primarily about lowering the density and the height and they offered a modification that might have a terrace affect so there would not be four floors from their point of view, it would terrace up. They also mentioned that they would like to talk about the possibility of townhomes being sort of a transition. They have two meetings scheduled, one Thursday, June 6th at 7:45 p.m. and on June 13th at 7:30 p.m. at the Community Center to continue their discussions. It seems that they have made a good faith effort to discuss it, he thinks these next two meetings should either decide that they can come to a compromise or they cannot, they do not want to drag it out.

Councilmember Springsteen thanked Mr. Brill for volunteering for this task. He asked what his sense was, are they making progress. Mr. Brill stated that each side believes that their position is correct and that is what they want. What they are trying to do is say "what's best for you might not be best for all of us, the Town of Vienna."

They are trying to see if they can come to middle ground. He is hopeful but also realistic, he is practical and he doesn't want to drag it out and by the 13th they will know one way or another.

Mr. Richard Levine, 214 Battle St. SW stated that Council should think long and hard, this looks like a very attractive building and they should not stand in the way of it, he thinks that would be foolish.

Mr. Bill Dure, 505 Glyndon St. NE stated he is the Facebook guy that started a page called Vienna development for discussion. He started it because he was frustrated with the lack of discussion. He hates that this has been dragged out for so long. He thinks if they are still discussing proffers as they step into this meeting then he thinks they need to continue the discussion for a while longer.

Ms. Victoria Hook, 204 Tapawingo Rd, SE stated that she is opposed to the rezoning of 380 Maple Ave. She is concerned about the high density, traffic and safety issues as

well as the infrastructure.

Ms. Kathleen Guilder, 216 Locust St. SE stated that she is hoping for more affordable alternative to single family houses and not so called luxury units.

Mr. Anthony Avedisian, 360 Maple Ave, next door neighbor to 380 Maple Ave stated that he welcomes the project. He believes in his heart that the community will have more walkable space within the Town of Vienna. He agrees that it must be pleasing to all of us and believes they are working very hard to do so. All the condo owners of his property are in favor of this project. Right now there is nothing pleasing about the property.

Mr. Neriam Endoza, 216 Tapawingo Rd. SE stated that he is opposed to this project and would like them to take more time. He is concerned about safety and the impact on schools.

Ms. Kristan Cybriwsky, 608 Niblick Dr. SE stated that all of the MAC projects are so big and if this was happening in her backyard she would be pretty upset at the density and the scale of it. The scale of this project is deeply concerning and the impact to the people in the immediate vicinity of this project.

Mr. Joe Deaton, 716 Hillcrest Dr. SW stated that power lines are very important to help clean up Maple Ave. He is not sure what leaving the poles does to improve the look of Maple Ave. He also has concerns on the trash disposal door and the increase in population.

Ms. Leanne Dance, 123 Oak St. SW stated that she lives in a JDA Home and the quality of the home they live in is outstanding. This is the most outstanding house they have ever had built, the quality is superb and they know the builder really cares about his work. He has incredible integrity and the quality of this project would be outstanding.

Mayor DiRocco stated that there has been some changes to the project which the applicant walked through a few of those changes as well the proffers. She asked if people wanted to speak on those specific changes she would give them two minutes to speak to the changes and/or the proffers.

Councilmember Majdi stated that he did not understand what the changes to the proffers were, especially the ones made today. He stated that they received the proffers on Thursday and his understanding was there were additional changes to what they received and asked if that was correct. If so he would like them specified. Ms. Petkac stated that the applicant provided revised proffers today that addressed three things. One in the first proffer he had that it included 40 units and he has changed that to 37 to reflect what is shown in the concept plan. The second change was the language regarding the sidewalk on Glenn Avenue, because it is required in the MAC, he is now providing in the proffer, additional money up to \$79,500 for other transportation safety improvements. Councilmember Majdi stated it would be helpful to have it in writing. Ms. Petkac stated they are in writing. They just received them this evening and she is referencing what was provided. The third is that under the utilities in proffer 7, they have added that they will coordinate all undergrounding of utilities for the Town of Vienna. Councilmember Majdi thanked Ms. Petkac for the oral presentation and asked if there was a way to present it to Council in writing either with an instrument to show it on the screen or copy the paper and hand it out.

Councilmember Springsteen stated that he doesn't like receiving things late. He went back to his question, don't the proffers, under the law, have to be presented before the public hearing. He begs to differ with the Town Attorney but he would like to see all the proffers when they start off. They seem to change every day and doesn't see how people can look at the stuff. Mr. Briglia stated that some of these proffers were requested by Council members. It is not fair to beat up on staff when some of these proffers were things noted in the plans that they got on Thursday. The applicant does submit in advance but Council doesn't always get their pack and that is just how the schedule is. In response to that there are comments solicited to staff and they pass those on to the applicant who then comes and makes the changes. There are some changes and they are in a good way because they are responsive to questions that were raised by Council and staff in response to the public hearing and the amended plans that were submitted and provided to everybody. It is the time frame that is troublesome sometimes because they don't always get them in advance. The changes are really clarifications to the better for the town. Like the concerns they had about Glen Avenue because there was some discussions about whether that was going to be built or not and he had a discussion with the Director of Planning and Zoning. It is a requirement so it is not an either or, it is required unless there is a waiver. Council has to make that decision, do they want that sidewalk because it is required. They can waive it but it is required. It doesn't translate into a proffer then. There was some language that in his mind was confusing so they clarified that and submits that was a staff correction. Mayor DiRocco stated that she did say that there was 40 units on there and she thought 37 because that was shown on the drawings and thought that was appropriate.

Councilmember Noble stated that he noted the same thing going back to the Town Attorney that the plans say this, the proffers say this and can we make them consistent. He doesn't think it is a bad thing if something is submitted, it's on the record, that we make something consistent and it is fixed and an improvement. The same thing with the Glen Avenue sidewalk and other traffic safety monies. He made an observation that is not an either or, again, back to the Town Attorney. If we are doing something where something comes in and improves what the proffer is, is that a bad thing? Councilmember Springsteen stated no, he just hates it being dumped on them on the meeting night.

Mr. David Patariu, 205 Niblick Dr. SE stated that they were told the developer was reducing the number of units to 37 yet they see there is going to be three storage units. He asked if they were going to be roughed in so that at some point in the future they will get back up to 40 or are they staying at 37. He feels this is not a real proffer.

Ms. Laura Bligh, 226 Glen Avenue stated that the undergrounding of the utilities from pole to pole is just going to look silly. She also stated that nobody in their neighborhood is interested in sidewalks on Wade Hampton going up to Roland and she was shocked to see a plan on the town website involving the taking of property along Wade and would like to know what that is about.

Mr. John Pott, 134 Wade Hampton Dr. stated that in the proffer statement 1.3 the maximum height of the structure would be 54' but they have been repeatedly told it is 48' and he sees on the diagram that it is 48'. Are they going to keep the height they have been told it would be, or will it change because they have the proffer that is 6' higher.

Ms. Estelle Belisle, 200 Ceret Ct. SW, stated that she was going to comment about the 48' which is what the building is supposed to be and the 54' mentioned in the proffers but according to what Ms. Petkac stated there shouldn't even be a proffer if is referring to the maximum height. Maximum height under the MAC is 54' so that proffer should not be in there. The second thing is truck delivery and there has been many comments about restrictions on truck size and to her something has to be put in the proffers about the truck size, they need to be protected in that way. Third, the enhancement of the plain garage wall, again, this is something that the developer said he would do and she believes he is going to do it. He thinks the enhancement of the garage wall should also be something included in the proffers. Fourth, one of the changes that has been made is instead of two doors for the delivery trucks, there is only one, it is still a 20' delivery area but only one door. She thinks what is going to happen is trucks are going to back in to the center of the area which will make it difficult for two delivery trucks to be there at the same time. Delivery is going to be difficult on Wade Hampton and she thinks that is a consideration. Finally, through this process citizens have said that this building is too big. The developer has made some changes, he set back one or two floors by 5' and put balconies in their place and has taken his original application from 40 to 39 and now he has reduced it to 37 because he has put in storage units. He has not diminished the size of the building, the mass of the building, which is what they have been asking for from the beginning. She does hope some middle of the road solution, they are not asking for a lot but what to be given something. She feels they have not been given much at all.

Ms. Shelley Ebert, 402 Roland St. SW stated that she thinks there is a real problem with all the MAC applications about not really looking at the impact to the neighborhood and as a result she thinks what happens is we don't end up with enough money to resolve the situation later on. With 444 one of the big problems on Roland is that people, already now, drive through Roland and up through Wade Hampton to avoid the light so they think if there is all this 444 traffic more people will do that. In an odd sort of way, 380 sort of takes away some of that issue because now it is going to be so hard to get out of Wade Hampton with the cueing and the trucks. She said this would make things better for her but it doesn't make things better for the people on Glen. No one was expecting sidewalks on Wade Hampton, the real problem is on Glen. \$80,000 is not enough money to fix the sidewalk issue on Glen.

Mr. Chuck Anderson, 125 Pleasant St. NW stated that it was pretty clear that the proffers are a work in process, they are certainly better than no proffers but he doesn't think they are ready for prime time. It seems highly odd that they received the first written proffers on the Thursday before the third public hearing. He commended the Mayor for asking for the written proffers at the last meeting. He has heard that a number of the proffers, in fact, are not proffers at all but requirements of the MAC and need to be taken out. There is a certain ambiguity on the height issue where it is stating a height that is not consistent with the plans and that could create problems down the road and they need to clarify those now. There is also ambiguity on the number of units. His opinion is that they are making progress but they need to take a closer look at the proffers and get them set down and consistent before this is ready for a vote.

Ms. Barbara McLeod, 204 Glen Ave stated that she saw something on the screen earlier and would like some clarification on about Glen Ave. It said there would be some sort of money given to Roland and Wade Hampton but what happens with Glen Avenue because that is a safety issue. The corner has always been a safety issue and she thinks added traffic is going to cause more of an issue.

Ms. Linda Mann, 428 Windover Ave NW, stated that she wanted to commend Mayor for recommended mediation. She thinks they have an opportunity if they go forward with that to possibly have an agreed upon narrative. If they don't there will always be a concern that voices were not brought to the table to negotiate.

Mr. Alex Gallegos, 130 Wade Hampton Dr. SW, first thanked Council for continuing the public hearing, they truly do appreciate it. He stated that he had a letter that he wanted put in the record stating their appreciation and they hope they postpone the vote not vote prematurely. A lot of the residents feel like it is the first time they have been listened too and they do feel like there is a win win to be had. To prematurely take a vote now would be disheartening. Dennis has done some things and they specifically state some things in the letter that they are trying to achieve in mediation. The process has been beneficial.

Ms. Cindy Miley, 204 Paris Court SW stated that she just wanted to echo what other folks had said about the underground utility poles and she thinks that would look absurd to have the poles just standing there. She also acknowledged the mediation and believes there is a win win solution. The property needs to be developed but there needs to be adjustments. One of the things they discussed before was the use of Wade Hampton for delivery is a huge safety issue and she hopes the town seriously considers that. She truly feel that people will be injured severely if they allow trucks to delivery on public streets.

Mr. Joe Daly, 412 Roland St. SW wanted to point out that there is a "no truck" sign in front of his house and he sees lots of FedEx trucks violating that no truck sign, there is already a problem and they are going to create more problems.

Mr. Mike Ahrens, 207 Glen Ave SW stated that he has gone to a lot of the meetings on MAC but the shuffle of activity that is happening where the proffers come in at the last second with no time to digest them, he thinks this is not good government, this is not what the neighborhoods are looking for and this is not what citizens are looking for. He wants to see this property developed but he wants to see it done in a smart way. They are not ready to vote on this tonight there are still things that need to be hashed out with the proffers. He would really like to know the math and the thought process behind the \$79,500, it is clearly a specific number and would like to know what was intended for that. He would like to see the undergrounding of utilities as much as Council but undergrounding between two poles is not helping Vienna, it is not useful. He would really like to see the Transportation Safety Commission involved in the discussion on the proffers. He would also like the neighborhood to have the chance to go through the proffers since they are intended to protect he neighborhood during the mediation. He still doesn't feel that the drawings presented on the trucks has adequately shown what that is going to look like when cars are parked along the street and delivery trucks are going back and forth.

It was moved to close the Public Hearing and keep public comment open until June 10th.

Motion: Councilmember Colbert

Second: Councilmember Bloch

Mr. John Foote with Walsh, Colucci and he is Counsel to the applicants in this circumstance. He stated that he was brought into this case very recently, principally because he is a practicing land use lawyer. He was brought in largely to help advise and to help with the proffer statement which first came up, as he

understands it, at the May 13th meeting. He did not write the last version of this but one of the things that he wanted to note for the purposes of the community here, is that requests for the changes in the proffers, which they are entitled to see and to absorb, were made as late as this afternoon. If they are asking to see them in advance then they have to have time to react to that. The proffer statements are not ambiguous, for example the question, the comment, that somehow what are the storage units going to be, the answer is they are storage units, they can't be converted into living units without a change to the proffers, they are simply what they say they are. What's the maximum height of this building, 54', it can't be higher than that, it can be lower but it can't be higher based on the way you calculate height under the ordinances of this town. The proffers say what they say, they are written in plain English and should be readily understood. If there are to be changes to these proffers, they are happy to make them if this is not going to be decided tonight, which it is not based on the motion, they are happy to deal with those changes as they seem fit by the applicant and the locality. He just wants to be clear that his role here is to work with Dennis to see if they can bring this in to an articulated form because what a proffer does is it puts into written form a commitment that is binding as a matter of law. It becomes part of the zoning applicable to the property, it is not a contract in Virginia law, it is part of the ordinance. He stated he is here to help along with Sara Mariska, and that is where the proffers are and that is what they intend to do.

Councilmember Majdi asked Attorney Foote if his advice to the Town Council that legal documents are written in plain English and we should just accept them as they are written and shouldn't ask questions. Attorney Foote stated no, that is not what he said. His point was that they are written in plain English so they can understand them and if they don't they will fix it. They are legal documents with legal implications and his belief is that legal documents should be written so anyone can understand them.

Vote was taken on the motion to close the Public Hearing.

Motion carried unanimously - 7-0

Mayor DiRocco asked Ms. Petkac to speak on part of the change to the proffer regarding the two poles. Ms. Petkac stated they added a subsection, 7.2, that the applicant shall coordinate all undergrounding of utilities with the Town of Vienna. Mayor DiRocco stated that she thought this was important because part of it, depending on what happens with this application, is to coordinate so that there isn't just two poles, you want to have it continuous. 444 Maple is starting undergrounding from Nutley Street all the way through and there is an opportunity to underground a number of areas and the town wants that ability to coordinate that and with the other applicant. She appreciates that being put into the proffer.

Mayor DiRocco asked Mr. Briglia to speak a little bit on working with Dominion on undergrounding poles because that is something important the town would like to see in the streetscape and how that process is working with Dominion. Mr. Briglia stated he and the Director of Public Works sat through a phone conference with Dominion and their utility relocation specialist. It is an engineering issue at that intersection. There are terminal poles where switches and transformers come and meet and Dominion will not allow switches to be put in vaults. The real world example, is you look at the Chick-fil-A site, standing in front of it, look to the far left you will see some switching boxes, big green boxes, they are not small and they would require a switch box at that corner pole if it were underground because there

is also crossover lines coming from Wade Hampton and going across Lewis Street. Towards the west side of Maple Ave, they would require a vault approximately 8x14 underground, so there is some engineering issues. Mayor DiRocco asked if the boxes had to be on the street or could they be set to the side. Mr. Briglia stated that Dominion would prefer to have them on private, newly acquired property. The town would indicated that we have sufficient right-of-way and the vaults can go there and that is going to be an issue on other areas on Maple Ave. A side from what the applicant is doing, there is some technical issues on that corner. Councilmember Noble asked if the Dominion work was simply relocation of existing infrastructure or are they actually upgrading infrastructure as part of this exercise and effectively giving, whoever is paying for it, money for upgrades to their system. Mr. Briglia stated that was a great questions because they maintained that their lines right now are fine, they love them, and they don't want to touch them and if they touch them they will have to upgrade. It is somewhat disheartening to hear that they expect the town, the rate payers, to pay for the upgrading and they won't contribute a dime for it.

Mayor DiRocco asked Mr. Briglia about the height being 54' which is the town code, is that needed kind of like the applicant has to put the sidewalk in at Glen Avenue, is that needed in the proffer and should that be and that doesn't supersede any of the drawings that show 48' if that is the height on the concept plans. Mr. Briglia stated that he was skimming through the plans because the plans are proffered along the design plans, and certain things are incorporated in our proffers under the MAC which is semi unique, because the design concept, the basic concept is proffered along with it. He stated you can actually go with accessory structures, well above 54'. In any zone you can go above the 35' and that is pretty typical in Vienna. He is pretty sure what the applicant has agreed to do is to keep everything below 54'. His understanding is everything is below 54' which is the purpose of their proffer, it is a real proffer, it is a hard number.

Councilmember Noble asked if the applicant would be willing to include Glen Avenue in the list of the three streets in terms of transportation safety improvements for Glen, Wade Hampton and Roalnd St. just for the purposes of ultimate decision or disposition of wherever the process leads to whatever those improvements may be. Mr. Rice stated yes.

It was moved that they hold off on the vote until June 17th.

*Councilmember Colbert
Second: Councilmember Noble*

Councilmember Majdi stated that he is not a big fan of a mediation process. He is not going to step in the way of it but generally speaking if we have a code that is resulting in people calling for mediation then he thinks they need to look at the underlying rules. Obviously it doesn't apply to this particular application but he is just not a big fan of mediation generally. He does respect everyone's opinion and this is good work being done, he respects the applicant and respects the staff and the Town Attorney.

Vote carried unanimously, 7-0

A motion was made by Council Member Colbert, seconded by Council Member Bloch, that the Action Item be deferred to June 17, 2019. The motion carried by the following vote:

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

B. [19-1293](#)

Public hearing on rezoning of 100-112 Maple Avenue E from C-2 General Commercial zone and C-1A Special Commercial zone to Maple Avenue Commercial (MAC) zone for Sunrise Assisted Living

AND

Consideration of a request for a related modification of requirement.

Mayor DiRocco called the Public Hearing to order at 9:56 p.m. The Town Clerk called the roll and all members of Council were present.

Mr. Briglia, Town Attorney explained that he sent an email to Council stating that Friday the town received a zoning protest petition under 18-248 of the Town Code. He and planning staff went through and identified the affected properties that would qualify and there are 7. Two affected property owners signed affidavit's and they verified that they are representatives of the lot owners so it is a valid zoning protest. Accordingly, on a vote for approval of the proposed zoning, it would require a 2/3rd's majority of those present of the Town Council. This is the third zoning protest that the town has had, it is the same as 444 Maple and 380 Maple so the same rules apply.

Ms. Petkac, Director of Planning and Zoning, explained that this is a rezoning to the Maple Avenue Commercial Zone for the property located at 110-112 Maple Avenue East. This is the northwest corner of Center Street and Maple Avenue. It is currently zoned C-2 and C-1A. There are two vacant office buildings that were constructed in 1983 and have been vacant since 2016 along with associated parking. Immediately east is the Vienna Inn, across Maple Avenue is the library, and then commercial businesses to the north and west. The applicant is proposing to rezone to a MAC and proposing a total of just over 77000 square feet of commercial with 2300 square feet of ground floor retail space located in the western corner on Maple Avenue, next to Vienna Inn, and 82 units of senior assisted living facility and common spaces associated with the facility. As part of the MAC rezoning they are requesting one modification of requirements on the loading. The previous concept plan that had gone to the BAR and the Planning Commission had an additional three modifications and they have now withdrawn those requests and are now meeting the requirements for those. Assisted living is permitted as a conditional use in the MAC and it is the only zone district in the town that allows assisted living. The normal MAC process is the Board of Architectural Review makes a recommendation to Council, the Planning Commission holds a Public Hearing and makes a recommendation and then Council either approves or denies the rezoning. With a Conditional Use they follow the process for a Conditional Use Permit so the Planning Commission makes a recommendation to the Board of Zoning Appeals and then the Board of Zoning Appeals either approves or does not approve. They did approve the Conditional Use for the Assisted Living with conditions. The first is it is contingent on Town Council's approval of the rezoning and that the permit would become null and void two years after issuance if construction or related operations have not commenced. They did also include some of the discussion that the BZA had. In putting forward the motion, they did note that this type of facility is currently lacking in the town. As she stated they do not allow this use anywhere else in any of the other zone districts and would be a benefit for residents that wish to age in place, however, this facility would not be restricted to just Vienna residents. They also noted they provide some retail space for none currently existed because it

was office before. They also recognized that people that had spoken were concerned about parking and that is an issue but it is not necessarily an issue specific to this use, it is more related to the location.

Ms. Petkac continued by provided slides showing the renderings of the project. In terms of meeting the MAC requirements for height and area, they meet all those requirements and exceed the side yard setback. Next to Vienna Inn there is a storm sewer and also a sanitary sewer and the sanitary sewer will be relocated running north/south in that area between where the building is proposed and the Vienna Inn which is why the building is setback 20' from that side. They would provide a pedestrian and a utility easement because Public Works would still need to be able to access that sanitary sewer. This is where they are also proposing to put in pocket park. They are also proposing and increase in the impervious surface of 10% which is allowed if they provide incentives and they are providing those incentives. They are also still including two of the three incentives that they required if they were doing a commercial mezzanine, they are no longer doing a commercial mezzanine but are still providing those incentives in addition to the ones required for the request in 10% increase of maximum impervious surface. She continued with a power point presentation and explaining the project.

In addition to only allowing an assisted living as a conditional use in the MAC, the town does not have any parking standards established for assisted living so the applicant did some analysis of their other assisted living facilities and provided information on what they felt was an acceptable parking standard or ratio. In tying that into ITE they have, as they have for all the MAC projects, they are now using WRA to do a third party analysis not only a transportation impact analysis but also what they are proposing for the parking. She showed a table that showed what they are providing in real numbers and what that means for the incentives. The MAC allows for an incentive if you provide structured parking or the parking is counted as a 1.25 ratio but they thought it was important because the town doesn't have a parking standard for assisted living. They also compared that to what other jurisdictions require and to do that analysis the applicant indicated the max occupancy they could have for this facility would be 115 residents. They also indicated the max number of employees on a peak shift would be 35. Those numbers are important for how some of the other jurisdictions calculate their parking. Councilmember Springsteen asked if this was for two shifts or one. Ms. Petkac stated the applicant indicated that would be for their peak shift. Councilmember Springsteen stated that when they had a shift change it would increase the parking demand. Ms. Petkac stated that since they reduced the amount of retail, their requirement for that retail that standard is 1 space per 200 square feet and with the amount of retail they are proposing they would be required to have 12 spaces and then they have 82 assisted living units and are providing 42 of whats remaining of the total spaces that the town counts towards parking. They are providing 59 spaces total but 4 of those are tandem and 3 are compact which we don't count those towards the parking standards so that is how they came up with the 54. Without the incentive it works out to .51 per unit, with the incentive it is .68 and in the table you can see how that compares to the other jurisdictions.

Councilmember Majdi asked if Memory Care is part of Assisted Living, is it different, does it require more parking, less parking and do they evaluate it differently. Ms. Petkac stated in the other jurisdictions, their parking standard is related to the assisted living use. The applicant has stated repeatedly that the Memory Care would be on the third floor of this building. Generally, other jurisdictions park for assisted living, they do not differentiate between Memory Care. The City of Fairfax

just went through the process of a zoning update recently and it is interesting that they have the lowest requirement of the surrounding jurisdictions. Councilmember Majdi stated that he would be interested to know what the quantity is of assisted living businesses in each of these jurisdictions. Ms. Petkac stated she can get that information if needed. Councilmember Noble asked Ms. Petkac if they have the IT parking generation rate per unit and per bed for comparison. The representative from Whitman Requardt stated the rate is .4 per unit per IT trip generation for the average and for the 85 percentile it is .53.

Ms. Petkac stated as for bicycle parking, the original submission the applicant was requesting a modification or requirement for the bike parking standard, they are not, they are now exceeding and providing one additional space from the 19 that is required, 12 spaces are located in the structured parking and 8 spaces on Maple Avenue.

Ms. Petkac further stated that they are requesting a modification of requirements for loading. The parking and loading section of the MAC references Article 16 of the zoning code for the number of parking spaces that are required and also for the loading requirements. In the town code, Section 18-132, the loading requirement is that it be of a depth of 25' a height of 15' and then the width is 15' for every 50' of building width. In more current codes or modern codes the loading space requirements are tied to uses. Her understanding of the town's requirement of 15' and width for every 50' of building width is with the assumption that a larger building would have the need for a wider loading area but it is not tied to use, the town's requirement is tied to building width. Their building width along Maple Avenue, including the cantilevered second, third and fourth floors that go over the pocket park between the building and Vienna Inn is a length of 175.5', divide that by 50, it is 3.51 x 15, they are required to have a 38' wide loading area. They are requesting a modification of 38' from that requirement. Councilmember Springsteen asked if an ambulance would be able to get into the loading area. Ms. Petkac stated they were providing 60 parking spaces, they reduced that and set aside an area in the parking garage for an ambulance. Councilmember Springsteen stated that he is concerned that most EMS calls in the County have a two piece response, an engine comes too and they need a place to park or they will block traffic on Center St.

Ms. Petkac further stated that the Open Space set aside requirement is 15% and they are exceeding that and providing just under 7,000 square feet which is over 21%, the majority of which is the pocket park that is shown. The Finance Director provided them with a fiscal impact analysis and as she mentioned the two office buildings have been vacant since 2016. What is interesting is that INOVA was granted a business tax waiver because they are a 501C(3) so they are tax exempt in Fairfax County but the other businesses in the second building the town did collect taxes on. Councilmember Noble asked if they have the same tax waiver for their current property. Ms. Petkac stated she would follow up on that with the Finance Director.

Ms. Petkac stated that the applicant has submitted a proffer statement and will let them go into detail on it. They have included the pocket park and there were some questions about the design of the bike racks and they have indicated that they would work with the town to get the appropriate design on those. The big one is the storm box culvert replacement that is diagonal on the northwest corner where the access into the parking facility is. They have a transportation demand management and parking management plan which she will have the applicant go into detail as to what is entailed in that.

Again, this went to the BAR and they made a unanimous recommendation to Council to approve the rezoning. The Planning Commission made two recommendations, one was for the BZA on the Conditional Use Permit (CUP) that on the fourth read there was a recommendation to approve and then they made a recommendation to Council to approve 5-2 on the MAC rezoning and the modification request. And as she indicated earlier the BZA did approve the CUP with a unanimous decision, 6-0. The 100 day decision would be needed by August 2nd.

The proposed rezoning is consistent with the Comprehensive Plan feature land use plan mixed use designation. There are no utilities running in front of the building on Maple Avenue. The rezoning and concept plans meet the requirements of the MAC with the exception of the requested modification of requirements.

Ms. Sara Mariska from the Law Firm of Womble Bond Dickinson stated they have been working on this for just over a year and have made a lot of changes because she thinks this process has worked. They have had great conversations with BAR, the Planning Commission, Council and the community. They have been able to eliminate all modifications that they were looking for but one and it had a project that was consistent with the Comprehensive Plan and the MAC Zoning district as it is currently written. She emphasized some of the concerns they heard about the mezzanine and about parking. There was a big discussion point about not having any mezzanine with the Planning Commission, the BAR and Council and it has been eliminated in its entirety. They also heard some comments about size, scope and scale and they have made a number of reductions in terms of the number of units in the facility. Parking is another concern that they will get into more details this evening. Their parking supply for one compact space has been consistent. The changes they have made have to make sure that there is adequate parking and they think there is but they have heard that there are some concerns about that. Even though they think the parking data quote they also have some proffers that they have committed to do everything in their power to work with the town moving forward so that all parking on site does not impact any surrounding properties. They can get into more detail and are happy to answer questions, their entire design is in attendance.

Mr. Jerry Liang, Senior Vice President of Development at Sunrise Assisted Living, 7902 West Park Drive, McLean, VA. As Cindy and Sara so eloquently put it, they are coming to the end of a very long but fruitful process with everyone. Cindy already said many of things he had put together but it has been a little while since they have appeared before Council. Despite many of their previous meetings before Planning Commission he thinks they should spend some time refreshing and he will not just cover what their project is today but a little bit of the evolution of that.

He thinks it really does speak to the benefit of having this process and how they can ultimately create a really great project based on feedback from all stakeholder's. As mentioned before he showed the image of their building from the intersection with Maple Ave running horizontally and Center St. running vertically to the left. It has more or less stayed very, very similar, pretty much exactly the same as what the Board of Architectural review had approved back in February. He spent a brief amount of time talking about Sunrise and assisted living because he thinks this topic has become a point of question in a number of times. Sunrise Senior Living is one of the nations largest and oldest senior living developers and operators. They were founded 33 years ago in Fairfax in Northern Virginia by Paul and Terry Clossen and today they service about 320 communities across the US, Canada and the UK. They were recently voted number 1 by JD Power Associates for quality of

care throughout the entire United States. Here in Northern Virginia they have a number of both existing communities as well as new projects that have been recently approved in jurisdictions such as Fairfax, Old Town Alexandria and hopefully this place as well. They have talked about Assisted Living and Memory Care to one of a Councilmembers previous question, generally speaking across jurisdictions Assisted Living is regarded as one in the same with Memory Care, those uses are not separately defined. Generally the separation in use definition comes when the introduction of independent living, primarily because independent living creates different additional impacts in trip generation and parking. For Assisted Living they care for residents in their community similar to what many of the family members are able to do in their own homes. They are not a medical care facility, they don't perform medical services. They are licensed and regulated by the Virginia Department of Social Services which varies by state and they provide activities of daily living, bathing, feeding, dressing, taking medications and programming needs, especially for difficult diseases such as dementia and other forms of memory loss.

He showed Council that this has been a long process that started over a year ago. What was missing was another Board of Architectural Review meeting in May. They had a great number of conversations publicly and with the various bodies in the town and he thinks that has continued to help refine this project and hopefully create a better one. There has been a number of iterations in shifts and changes as Sunrise attempts to respond to the various commentary and the various concerns that have been raised both by the public and the elected members. The building has continued to shift ever so slightly but meaningfully, Cindy and Sara have highlighted a couple of those points. He walked them through what the current layout looks like and why it looks that way. He continued with showing the plans of the project. It is in many ways similar to the one that Council had seen at the last joint session a couple months ago. Access location remains the same so entry off of the street remains on Center St. which is the same location that the vehicle entrance for the existing medical office use is. They retained the curb cut in order to help improve consistency of access so that people and ambulances that have gone there in the past would know exactly where to go. They have highlighted the use along the corner, particularly along Maple Avenue orienting the vast majority of all of their most active uses to that side. Based on a lot of the feedback from the Planning Commission and BZA as well, it became pretty clear that parking is a critical issue. It is the utmost issue right here in the center of town in this general area between Maple, Center and Church. He thinks despite having no residential adjacencies and neighbors the commercial uses that they are adjacent to were particularly concerned about overflow parking potentially impacting and negatively impacting their businesses and they took those concerns seriously. Part of the deliberation of the Planning Commission was what can they do, what can be done. They also considered a lot of the feedback regarding how the mezzanine perhaps doesn't capture the spirit of what some people think the MAC is intended for as well. Based on that feedback and the suggestion of many Planning Commission members, was there anything they could do to potentially reduce the retail component because it is a very heavy parking demand component of the use. Through the creative expertise of their design team they were able to come up with a solution. There was a lot of relatively wasted space in the grand foyer area as they tried to create a good landing place for seniors and their base use off of the ground floor. The previous designs they had seen included a very large grand staircase which is a normal component in many of their communities, however, here with 20' high ceilings it created a lot of additional wasted space. As a result as they started getting creative and deciding that if they were going to make it all fit lets bring down all the

common space that had formerly been on the 2nd floor and put it to the first floor and bring the dining room down so it looks like a restaurant, it's where the life of and the activity of the community often time is. For the average residents the lunch's and dinner's and socializing is one of the highlights of their day. The same thing with their bistro and the grand foyer and the additional porch space. With the integration of all their very active common spaces and the elimination of the excessively large grand foyer and the grand staircase they were able to fully eliminate the mezzanine in its entirety while never the less losing some space for themselves and a unit for themselves, ultimately making it work. As shown in the slide, the retail component is as Cindy identified, the yellow portion of that ground floor site plan still remains at about 2300 square feet which is a healthy space for an active use there, they have not decided on an ultimate use but they have spoken with brokers in the past. Their intention is that there will be no restaurant space there which is a typically impactful use and given the smaller size it will certainly never be a restaurant use.

To a previous question regarding ambulances, as shown on the slide, in red is the designated and striped off dedicated parking area for an ambulance. It is well located because it is right in front of the door to access the assisted living side of the building and is no more than 10' from the elevator that would be transporting residents from further up in the building.

In the past they have presented a rendering just to try and give them a sense of what a mezzanine could look like and so they wanted to be consistent and give them a sense of what with this very public space begin to look like without a mezzanine and a grand staircase. He further explained the rendering with slides. He showed a little bit of the plan and stated that it can still be refined but they have spent a lot of time working on this and it works. He showed that on the second floor it is now all units, they removed all the previous public spaces that are now on the first floor. He highlighted the garage plan which is where a significant portion of the parking is. They have allocated additional spaces for the 12 bike racks. In their conversations with the Planning Commission bike parking was a topic that was concern, they heard it loud and clear and did their best to accommodate. The bike parking is split up such that the above ground bike parking that is along Maple Avenue will best serve the folks that would use the retail space both as consumers and as potential employees. The additional 12 spaces is intended to service their employees and not by their residents. The spaces themselves as Cindy had mentioned, a large number of their parking spaces, not all of them because they have, as shown previously, a number that are at surface level. The highlighted level showed that in addition to the parking spaces and the ratios that Cindy had presented, these are potential locations for an additional 10 spaces for use in an internal valet system. This is a similar plan to one that they had proposed for their project that was approved in Old Town Alexandria and it was a way to help respond to neighbor concerns about days like Mother's Day, for peak seasons, for holidays and such. In their experience visitation even during holidays is a bit more spread out and not nearly so concentrated at individual specific hours, however, it was a very fair concern and as part of their proffers and their general transportation demand or parking management plan they have introduced space for 10 additional valet spaces where an employee would then be able to help park cars and stack them and help allow for additional removal and access as well. Again, these additional spaces do not count in to the base spaces being provided, they are not part of the ratios that were presented by Cindy, and these are in excess.

Finally, Sunrise is continuing to propose a roof plan to highlight the green roof.

They have maintained this amenity even though without the mezzanine it is not a necessity for additional incentives. They think it is a good use for the roof where they have utilized it primarily for hiding and screening the mechanical's and it certainly helps with storm management and improves overall use of the building. The pocket park is for both pedestrian access and also complies with some of the MAC desires to create block porosity as well as access cutting from Maple all the way through to Church. Even though it is not connected through, at the moment they have shown a gate through the fence in the rear to allow additional access.

He highlighted and stated that this is the plan now, very simplified, no mezzanine, no complications it is, and looks like, a four-story building. The access requirement for maintenance of the storm water pipes that run to the rear of the building is the partial reason why the first floor height is so large but he thinks it creates a nice dynamic for the retail space, it is going to be very spacious, and for all the public spaces. Their dedicated and secured memory care is on the 3rd floor and they have their own dedicated outdoor space internally to the building as well. It allows the residents to get outside and enjoy the fresh air in a secured way. He showed additional elevations and exteriors, they are substantially similar to those they were shown in past joint sessions. They have been primarily focused on the insides of the building, the outsides have been able to stay essentially the same with some minor facade adjustments but substantially the same as what the Board of Architectural Review has already approved. He showed some images showing the view from Church St. and the view going west along Maple with Vienna Inn in the foreground. At one of the previous joint sessions they provided additional views of the building from various angles using Google Image street view to give the building some context and its surroundings in response to Councilmembers particular points regarding the height of where those pictures were taken. They had agreed to update the picture using a pedestrian level height. Their team went out and took HD pictures and they have re-done the imagery into the human level background pictures. He continued presenting slides. This is an important property that is at the very center of town and deserves to be beautiful view from all four sides and they took particular care for that.

He mentioned there is an additional proffer that they have agreed too, proffer #4, regarding public art. They shall include public art in the pocket park after consultation with the Vienna Public Arts Commission. The cost procurement, installation and maintenance will be born by the applicant. This is something that came up during the process with BAR and Planning Commission. This will still continue to be refined and they believe they can really beautify that particular space as well.

They recognize and appreciated the high degree of concern that parking and traffic has here in Vienna. He has sat through some of the long range planning sessions that have occurred regarding the multi-modal meeting and he heard a great deal that there is overlapping needs for improvements for vehicle access, pedestrian and bicycle access. They are doing their best to comply with all of that and they believe with the evolution of the project has continued their parking ratios for assisted living has gradual increased. They are going from .4 all the way to over .5 per unit.

He stated that they have spent a great deal of time here because they are passionate about what they do. They believe that they provide the very best service that has been confirmed by the satisfaction of their residents and their families and also by third parties. They have heard the demand here in the area from the residents of Vienna that want to be able to age in place to live here and stay here for as long as

they can. They have heard the desire for activation of Maple Avenue, the desire for improvements along the stretch that are consistent with the plan. Consistence with bringing retail, bringing activation and a multitude of different uses that benefit the community. They have worked very hard to improve this plan, eliminate additional waiver's, and create signed proffers that capture a lot of agreements and conversations that had occurred prior to coming. They are happy to answer any additional questions but they believe the process has worked and the project is a lot better than when they first met over a year ago.

Mr. Will Johnson with the firm of Wells & Associates, stated that he knows that much of the discussion related to parking has been addressed in some form but wanted to expand on several points that have been raised. Since the initial submission of the application the retail component has reduced significantly from what was originally 8400 square feet down to what is now proposed at 2264 square feet. This retail floor area adjustment represents a parking demand reduction of 30 spaces from what was originally proposed for the retail component. The overall unit count of the proposed assisted living facility has also been reduced from 85 to 82 units. All the while the parking supply has stayed constant with the only exception being the removal of one compact space in order to accommodate an ambulance spot on the main level. Accounting for these changes the current parking supply for the assisted living component, not accounting for the retail needs, the assisted living component represents a ration of .57 spaces per unit and that is before considering the structured parking multiplier which is allowed in the MAC ordinance as an incentive for structured parking. This ratio is higher than the 85 percentile peak parking demand published in the ITE Parking Generation manual. He pointed out that the ITE manual does factor in visitors, employees and any user that would be accessing the site. He also pointed out the the definition of assisted living in the ITE manual does accommodate memory care, alzheimers care and those sorts of uses as well. The parking demand data that Wells has conducted at six other assisted living facilities in the Washington metro area also support a lower rate that what is proposed here and that data has been supplied to the town in previous submissions as well. In conjunction with the plan changes that have occurred the applicant has also committed to additional measures to ensure the functionality of the parking supply and encourage the use of transit in other modes by the employees of the site. These include an increase in the number of on site bicycle parking spaces, as mentioned they have increased bike parking to 20 spaces on the site and as a result have removed the previously requested modification. They are proffering a transportation demand management or TDM plan which provides a sizeable transit incentive annual budget equivalent to \$20,000 per year for the employees of the assistant living use in order to encourage the use of transit to access the site by its employees. They have also committed to provide a parking management plan (pmp) which does require annual monitoring of the parking demand as well as reporting to the town. They are going to be going back after the development is complete to make sure that the parking demand for the site remains on the site. The PMP will also govern how the valet spaces are used as well. They have also provided a proffer that restricts restaurant uses on the site. Restaurants typically have a higher parking demand than other commercial uses. They have also provided a proffer that restricts the use of the on site parking supply for resident vehicle storage. In other words the residents of the facility will not be permitted to store their vehicles in the garage. Again, for those occasional occurences when parking demand may spike do to special events like Mother's Day the applicant has provided space for 10 valet assisted spaces within the garage on the property and that would be in addition to the normal supply. With the current proposal in front of Council they do believe they have been extremely responsive to the parking concerns raised by the

community, the Planning Commission as well as Council in past work sessions and that the supply will more than accommodate the parking management development.

Councilmember Noble stated that he is a little confused on how loading and garbage pickup is going to work and where people are entering the building. The reason he is asking this question is that he just dealt with a move-in to an assisted living property, not Sunrise, and since the loading space on the plan is adjacent to Center St. but what appears to be their service elevators and trash receptacles are there, how exactly are they doing that in terms of a moving truck comes in, all the dollies and everything have to go across the parking garage entry level and spaces. Where would the garbage truck pull in, are they going to pull all the way in stop and block the ramp? Mr. Liang stated that was an excellent question and in his response he said is for each of their communities their loading spaces and loading zones are in a number of different locations. Many are close to the building and some are quite a bit of a distance from the building itself even out into the suburbs. For this particular one the loading space identified on Center St. there is a flat grade that you would allow for both deliveries of supplies as well as for furniture deliveries and moving companies. In many cases moving in and moving out for residents they hire a moving company and they would be located there, backing in for deliveries and then use dollies either through the service area, which would primarily be used for their back of house services and supplies, whereas, the primary elevator for move-ins on weekend, weekdays and such could also potentially be used for that purpose as well. The actual day to day deliveries of supplies is fairly normal experience here as it is in any other Sunrise in the sense that they don't use tractor trailers, they use box trucks and their delivery companies are accustomed to using hand trucks for moving in supplies. This is not a medical facility, it is not a hospital, and at 82 units it is at the smaller end of a lot of the new developments, not just by Sunrise but many others, who are upwards of 100 - 120 units and so the types of delivery and the quantity and scale of that is relatively manageable and will happen 2-3 times per week depending on what is being ordered and normally in all locations delivered by hand truck from the truck itself to the final destination of the cold storage or wherever else in the building. As for garbage, not the similar in some other locations for Sunrise, garbage is based on their location and their needs. They do have the ability to potentially add a compactor here and for garbage pickup the maintenance coordinator and the operating team will be helping to move the garbage closer towards the actual loading space where pickup will occur so they can be wheeled out over there. Councilmember Noble stated that what he is telling them is that they show any number of garbage bins in each of the two trash locations that they will be wheeling across 5-8 spaces and across a drive aisle to get to the loading space to get them into garbage trucks. Mr. Liang stated that was correct.

Councilmember Noble stated that they are putting in 20 bicycle parking spaces, 8 of which are in public space on the street and he is not sure how they are counting them for their site and asked staff how that would work since it is the town right of way and not on their site. Ms. Kelly O'Brien of Planning & Zoning stated that the MAC code does not specify specifically that it has to be on site, they just have to provide it. The applicant has also stated that they will work with staff for final location if in the right-of-way is not the ideal location. Mr. Liang stated that one of the points was raised during the Planning Commission discussion was a concern of having sufficient bike parking access and ease of access to promote bike usage for retail, both for customers as well as their employees.

Ms. Tammy Moore, 608 John Marshall Dr. NE stated that we do need places for

residents to age in place but she is just skeptical about the parking. Her in-laws are at the Sunrise on Hunter Mill and 3 out of the 4 times she has visited them she has had to park behind Giant because there are not enough parking spaces there. It was stated that there was no residential concerns near Sunrise and there is actually a 36 unit condo building right across the street on Center and a lot of those residents count on some street parking. She is afraid that will be taken up. Sunrise usually has a bus for their residents and usually takes up 3-4 spaces. She also questions private care personnel. In addition to paid staff that Sunrise has people like her in-law's had private care people come in and asked if that was counted in to the parking calculations

Mr. Michael Amouri, 601 Robert's Drive and business owner adjoining the property stated that he wanted to talk about real numbers with parking. If he is correct it looks like for the assisted care itself it should have 46 spaces based on a hodgepodge of what Fairfax did and all the other jurisdictions it was around 44-46 spaces. If you take that and then 12 more for retail they are already at 58 and he feels that parking here is inadequate and it is the major concern in town and it is a concern for him as a business owner adjoining. He does not think that parking has been adequately addressed in real numbers and looking at the reality of it. He also has an aunt that has been in Oakton for 4 or 5 years and asked how this compares to Oakton in number of beds and units. Mr. Liang stated it was relatively similar in size but would have to look up the exact number. Mr. Amouri asked if the parking calculations are the same as up there. Mr. Johnson stated that he believes that the parking in Oakton is at a ratio of .49 spaces per unit so they are proposing a higher number, .57. Mr. Amouri stated it is an issue up there. He does think parking needs to be addressed before it goes any further.

Mr. Joe Lyons, 111 Center St. North stated that they are very close to the property and has been there about ten years. He has a couple concerns, obviously parking. As a function of density he doesn't think Vienna has ever seen this kind of density before. For example their set-up which is very close to the area only has 36 units and a considerably bigger parcel of land. The ambulance issue is no joke, they will be in and out of there quite a bit. He would like Council to really consider the noise aspect and how they are going to get ambulances in and out. He is basically echoing previous concerns. The proposed site is essentially in a flood plain, it has flooded before. It floods quite often, there are flood marks in their lower floor garages from where it floods. It gets to a foot on their property and has gotten considerably higher in the past.

Mr. David Patariu, 205 Niblick Dr. SE came to speak about a process issue. He thinks this is the first time as a resident been able to speak on this set of plans and that is unfortunate. Before the BZA residents and business owners spoke about this project and then immediately after the hearing was closed a new set of plans was submitted and they were told that they had been working on them all day long. New isn't better when the public doesn't have a chance to comment on the new and that is a real problem. When he went to speak before the Planning Commission he was told he couldn't speak because the hearing was closed. How are they meeting their obligations under the law to have public hearings on the plans that they are voting on at each stage, not at the end. The public did not have an opportunity to speak on these plans at each stage and he hopes they will correct that.

Mr. Chuck Anderson, 125 Pleasant St. NW stated that about 5 years ago he sat down with Greg Hembree to try and figure out the extent that Maple Avenue would likely be re-developed under the MAC and they looked at the properties one by one and

considering, among other things, their area and lot shape. Greg felt that many of the properties were unlikely candidates simply because they were too small or had other physical problems that made them economically unviable MAC candidates. This site on the corner of Maple and Center St. is one of those problematic properties. The bottom line is that its too small, too shallow and has too many water table problems to support an economically viable re-development along the lines proposed. The applicants admitted many times that the site is difficult but it is what it is. It is not up to the town to give serious incentives to make their numbers work. To try and make the project work the applicant wants to shift the cost of inadequate onsite parking on to the adjacent businesses and on to the town. The applicant is offering roughly .5 spaces per unit which actually equates to .4 spaces per bed. Fairfax County has recently has decreed that 0.4 space per bed minimum to be severely inadequate and has proposed almost doubling that ratio to .75 spaces per bed. This is in an area where Vienna already has a severe parking shortage. The applicant has only offered minimal metro subsidies, less that \$25 per employee per month, 1/10 of the \$250 per month that many of us get as an incentive to take metro. This project can and should be denied on inadequate parking alone but in order to address the parking problem the applicant has morphed into something that in know way resembles a MAC development. Retail space has been reduced to the size of a candy store. The project contributes virtually nothing to the goals of the MAC as annunciated in the Comp Plan. Goals such as creation of more public spaces, a livelier commercial zone after business hours, supporting locally owned businesses, increasing foot traffic in the downtown area and in general encouraging a vibrant central business district. The only positive thing that can be said about this project is that it will fill an abandoned site with a pretty new building but is that what MAC has become to simply put up a large building with no consideration as to what these upscaled structures will contribute. He is not against assisted living facilities, but a right business in a wrong location does not make for good planning. This simply fails to meet the goals of the MAC.

Ms. Shelley Ebert, 402 Roland St. SW stated she is not going to talk about parking as she thinks it is not a legitimate issue but she wants to talk about something different. She thinks with these MAC proposals when you start pinning people in to certain requirements like the 19 bicycle spaces, we forget about the future. She doesn't understand whether or not that means they always have to have that certain amount of spaces or they always have to meet certain requirements even when things change. One of the things about transportation and about solving some of these problems is that you just don't want to think about transportation now but you want to think about the future. She is upset about the bicycle situation. She feels like with this application, not necessarily to the detriment of Sunrise but she feels like we are not being genuine about our interest in being pedestrian friendly. She felt that way about the sidewalk materials, particularly around an assisted living facility where people are more likely to trip and fall. She felt that way about the bicycle racks. She feels like because we have this requirement, we are slamming this stuff in very tight.

Mr. Joe Daly, 412 Roland St. SW stated he knows very little about senior places except when all their relatives went, they went to places that were in country settings, not too far away but it wasn't in a brick, concrete building.

Ms. Nisha Patel, 512 Nelson Dr. NE stated that last time she was here they were talking about the feasibility burying the power lines and she thinks there was a mention that at this point in time it was not feasible. Then there was a mention of maybe putting funds aside as a proffer so that in the future when the library is being

constructed then that would be an opportunity to try and bury the power lines. She is just wondering about the follow-up on that. Mr. Liang stated they have not had further discussions regarding the power lines with the Planning Commission. This is the first the topic regarding additional funds is being brought to them. There are a number of proffers that they have offered, some quite expensive already. If it is the Mayor and the Council's pleasure that a certain amount is necessitated then that is something they will consider but they are not, at this moment, offering that.

Councilmember Majdi asked them to explain parking, units, beds and the distinction there. Has there been a change in Fairfax County and what is going on. Mr. Thompson stated that he believes the illusion that has been raised by the speaker is that Fairfax County recently adopted a new ordinance definition for continuing care facilities. Intended to be a combination of assisted living/independent living whereas before they were two separate distinct categories and they still are two separate distinct categories but now there is an ordinance that allows certain provisions to combine those uses which is becoming more and more common place with newer developments. In that process Fairfax County adopted a new parking ratio specific to a continuing care facility and that is that .75 spaces per unit that was stated. Fairfax County has not amended its ordinance requirements for parking related assisted living or independent living for those standalone uses but there is now an additional ratio for continuing care facilities. Councilmember Majdi asked if that was because of the memory care issue he raised earlier and how memory care as a commercial use requires more parking and that is why Fairfax County changed its ordinance in respect to parking. Mr. Liang said no, as Will had mentioned, the continuing care facilities are, as an example, some of the Erickson projects, in particular there is a new Erickson project in Fairfax that this ordinance is more oriented towards. These types of projects are significantly different from what they are proposing. They tend to be on tens or hundreds of acres and they include hundreds, three, five, six hundred units of independent living in addition to them providing some assisted living, memory care and then even skilled nursing, to allow residents to be able to age in place in that broader campus so that is a fundamentally different product and a fundamentally different type of use then what it is they are proposing. Councilmember Majdi asked staff to find out why Fairfax County changed the rules and get back to Council. Councilmember Noble stated that he thinks the point that was not fleshed out with what the gentleman said is when you combine independent living with assisted living etc. etc., people that are in independent living have vehicle of their own and those properties may have single family homes and duplexes and condominium type independent living units. Those individuals travel like we would and that means that their characteristics of parking and trips that they make are more kin to someone who is 55 or 60 who may be living on their own in a property on Yeonas Drive as much as in a continuing care property. That is why the trip numbers are much higher.

Mayor DiRocco asked about the crossover, there was a couple people talking about employees, you have 35 employees and when they are leaving she would like to know what the crossover process is. Are both sets of various employees there at the same time, how is that working and how would they be able to park. Mr. Liang stated that regarding their employees, they have both a mixture of full time employees and part time employees, they have a mixture of employees who are more classic 9-5 such as the Executive Director or the Maintenance Coordinator and others who are shift staff. Their shift staff would be primarily those folks who work as care managers and med care managers so the employee count of 35 is not entirely shift staff, it would be a mixture of the two. He would say along the lines of about half would be shift staff and the other half would be more standard permanent staff

so shift changes generally occur in the 15-30 minutes prior to the start of a shift. Within that this locations contains a combination of access to public transportation, which is why they included transportation credits. The bus stop is literally located in front of the building and one of their plans is to move it and create a shelter. There is also a number of additional car sharing and car pooling that occurs, especially amongst their shift staff who are on the lower end of the wage tiers for their employees. To that extent not every single one of their shift staff workers are driving, there are a multitude of different ways they would be coming to the extent of bicycle usage amongst employees would occur, it would be primarily with shift staff vs. the General Manager. It is hard for him to pin exactly what number that would fluctuate or expand too in terms of spaces used, but what he would say that for the shift turnover period, that is factored into both their operational uses, which is why they have things such as tandem spaces which they are primarily focused and oriented on allowing then for employees to be blocked in who will be there for longer periods as well as for their general parking management plans.

Councilmember Bloch asked about the question brought up about the people who contract out private care and asked how they will address parking for people. If 60 people in the facility have private care, do you limit the amount of private care that people have based on the amount of parking that they have. Mr. Liang stated that private care usage is relatively infrequent at a Sunrise. He is not going to say that it doesn't occur but it is relatively infrequent. The primary reason is that their core business that they provide their core services all overlap and are exactly the same as the types of services that a private care would provide. They would be paying a home health agency to come by or a private care agency to come by and check on Mom when she is at home and stay with her while at home for 2, 4, 6, 8, 10 hours per day, it is relatively expensive. The alternative is to move into a Sunrise where you are living in a community and their 24 hour staff is providing very similar types of services. What is more common than that would be additional third party services such as hospice for example or for occupational therapy, physical therapy and things along those lines. They do and will come in and are managed by their team as a whole in terms of scheduling with their head nurse and really in no different means than the same way their activity coordinator would coordinate with local churches and synagogues or local schools to host events. As Will described before all these parking studies that measure usage captures all uses and all sorts of visitors from both family and third party groups.

Councilmember Springsteen stated he has a number of issues. One is the trash collection, he hears what they are saying about rolling the dumpsters out but that is just going to create traffic problems on Center St. which is pretty bad right now. Most trash trucks pull in to the dumpster and they dump it. Rolling it out is a challenge. The bigger issue is that this is a compete of real estate and first they had a full level of commercial on the ground and then they started tweaking it, changing the guard post so you can get all their residential things in and it kind of defeats the purpose of having a nice commercial there. He is not sold that this is the best location for this. He is not opposed to Senior Citizens but this is tight facility with parking, they have given an explanation on the numbers but parking is going to be a real challenge and is not going to get any better. He thinks this parking challenge is a real issues. Mr. Liang stated that regarding the trash collection there should be no impact to Center St. for purposes of trash collection. The actual loading and trash collections space for the truck is entirely on their property alone. The trucks will not be out into the Center St. area when that occurs and they don't believe this has a negative impact on Center St. traffic. He appreciates and

understands his concern regarding the use in this location and for the parking concerns that have been raised and he will say that as Sunrise continues developing new assisted living buildings across the United States, in more recent times, what they are finding is that locations such as these offer their customers, not just the residents who live there but their primary customers are what they would call the caregivers, the adult child. It offers them a great alternative by allowing them to be able to stay close to home, to be in the daily pathway either to their proximity to their own homes or to places of shopping, travel or other activities. He also stated in their recent experience it is very, very difficult for assisted living projects to come to be approved with proximity towards significant amounts of residential homes. Where this being at the center of town it does come with its own set of concerns. As Cindy mentioned before there are no other zone within all of Vienna that would otherwise allow for assisted living with a conditional use permit or not, only this particular MAC zone. Even if it was allowed in a different area and they were closer to a number of the homes he thinks you would experience a great deal of frustration and opposition. The challenges they are seeing in some other projects where citizens concerns about their sheds and their homes being dwarfed by large commercial buildings would rise to the forefront. He doesn't think there is any perfect project but he thinks this one in particular does a good job of balancing both the benefits as well as the cost. In particular, related to the cost, they understand that the water table is high and they specifically designed the building in a way to balance off against that. To one of the previous public members comments, this is a site that they have fully appreciated the challenges of, and believe have found a relatively elegant solution for developing in a way that has the least amount of negative parking and traffic generation impacts for the broader community. Alternative uses such as the existing medical office building use for example, is extraordinarily demanding and cause significantly more traffic on a per square foot basis than assisted living. Even multi-family units, if these were more standard multi-family condos they would have significantly higher parking and traffic demands as well. They fully appreciate their particular hesitations and concerns. They understand that they may or may not change his mind but in an effort to balance out all of the positive and negative impacts they believe that this particular use in this location is beneficial.

Councilmember Bloch had a question on the size of the units. One of the community members talked about a condo building that is kind of caddy corner to this and how there are only 30 units there and asked the applicant to speak to the square footage of the units, do they include any cooking facilities within the units and what else is within the units. She knows that there is 80 something units but asked them to speak to the size. Mr. Laing stated that the philosophy at Sunrise is that they design the buildings as a whole to be a home and the residents have freedom of access aside from those you have memory impairment but freedom access throughout the broader building. As a result the ratio of common space to unit space is tilted more heavily toward common space. Generally they are close to about a 50/50 split whereas for a condo building, for example, tends towards more of a 70, 80% private space to 20-30% of common space. On average their units vary based on the unit types. They offer studios, they offer large two bedrooms that can be shared and they offer Denver units. These units will range from, on the small end for the studios, approximately 300-400 square feet all the way up to the two bedrooms that will be in the range of 600 to upwards of 750 square feet. The reason why they are that size is because they do not include cooking facilities because they are not designed for that, they have a very active dining room and a commercial kitchen. They make food from scratch every day for their residents and they want them to enjoy their experiences there, it is not independent living and they are not expected to be making any of their own

meals. The bedrooms contain primarily a sleeping area, a bathroom, a little kitchenette with a mini fridge and maybe a microwave. For the larger units the two bedrooms will have two bedroom locations, one often time is used as a den. Their intention is for their residents to be out of their rooms and be actively engaged. The socialization component of the services they provide is a critical draw factor for many of their customers.

Mayor DiRocco stated that she knows they reduced the number of units to 82 but what are the number of beds, has that decreased or does it maintain the same in less units. Mr. Liang stated the bed count has fluctuated over time, the exact bed count is to a certain extent, tbd, based on the fact that some of their larger units have the flexibility to be used either privately or with two people. What they find, especially in assisted living, the usage privately is very high, relatively low sharing occurs in those two bedrooms outside of married couples and potentially relatives, sisters for example. For purposes of how they have designed it as well as for the parking expectations and such, that 82 units they are calculating at a usage rate of 115 beds and that has decreased from the past, the exact number he did not remember of the top of his head. Mayor DiRocco stated that looking at the numbers that the town staff have put together, it seems that it is on the low side of parking compared to some of the other jurisdictions. Obviously there is a range there but it does seem to be on the lower side of that. In that area where they are, is an area where there is existing which is not their concern but there is concern in that area for some of the other businesses.

Councilmember Colbert stated that she liked the idea of using the valet parking to gain ten extra spaces and using them on Mother's Day for example and asked if they would they do valet parking on other days if there was an issue on a regular basis. Mr. Liang stated yes, absolutely, and that is why within the proffers the parking management plan contains specific language that requires them to work together with staff for adjustments as necessary.

Councilmember Majdi stated that he appreciated the comments about the affects on the neighborhood and how this particular location is not abutting a shorter single family residential. He stated in their work session that is something that he was taking a look at. He stated that candidly speaking he is trying to get to a "yes" on this project. Taking a look at his perspective and his priorities he actually kind of liked the earlier version of this application. He knows it might be a little frustrating to hear because he is listening to other comments coming from a different perspective. He has been listening to comments from Council members about the importance of having retail and he didn't really start out thinking that was very important but looking at the square footage now he is starting to get convinced, as the retail footage decreases, that this might not ideal MAC application. He is still trying to get to yes and asked if there was a way they could look at this project and instead of making what he considers to be relatively large reductions in the retail, they could make reductions in the other part of the project. He stated it was a pretty significant question and they didn't have to answer it now. From his perspective on the value of the project and what it brings to the town, he is trying to get to yes and that is something he values and he hopes they know that. Mr. Liang stated thank you and they appreciated that. They know that all good things come with trade-offs. From their perspective they understand that the loss of retail may feel significant, certainly from the spirit, but their particular project is actual a commercial use. For purposes of MAC standards it does not actually require ground floor retail because they are not a residential use in the upper floors but they did want to respect the spirit of the MAC plan and the spirit of activating and creating public access and

public spaces, as mentioned earlier, along Maple Ave. The trade-offs primarily centered around the mezzanine because they heard a great deal of consternation regarding the mezzanine from a large number of both public, members of the Planning Commission and Council. Between those two trade-offs the ability to reduce the assisted living component any more so at this stage, for purposes of adding retail, would be infeasible. For them it became a question of would it be possible for them to ultimately, entirely eliminate the mezzanine, much less reduce it. In past sessions they had shown a mezzanine that had been larger and then had shrunk to a point that was technically compliant but based on discussions they made, the decision to trade off the elimination of the mezzanine was worth while.

It was moved to close the public hearing at 11:36 p.m.

Motion: Councilmember Noble

Second: Councilmember Bloch

Mayor DiRocco suggested a friendly amendment to keep written comment open for a period of time. Councilmember Noble stated he would be amendable to the same duration as they discussed for 380 Maple, to June 10th. Councilmember Bloch was ok with that.

Motion carried unanimously

It was further move to delay the vote until June 17, 2019.

Motion: Councilmember Colbert

Second: Councilmember Bloch

Motion carried

6. Consent Agenda

It was moved to approve the consent agenda as presented.

A motion was made by Council Member Linda Colbert, seconded by Council Member Tara Bloch, that this was approved. The motion carried by the following vote:

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

- A. [19-1283](#) (CONTRACT RENEWAL) Request approval to continue to ride VITA contract VA-140331-DELL for purchase of computers, laptops, and maintenance contracts for servers for FY20
- B. [19-1286](#) (CONTRACT RENEWAL) Request approval to ride Fairfax County Public Schools contract 4400006677 for cell and mobile device services with Sprint.
- C. [19-1288](#) Request appropriation for annual audit contract with Robinson Farmer Cox Associates PLLC (year 5 of 6-year contract)

7. Regular Business

- A. [19-1294](#) Intent to Adopt extension of the temporary suspension of the Maple Avenue Commercial (MAC) zone, currently set to expire June 27, 2019 to November 15,

2019.

It was moved to adopt the extension of the temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code, which currently is set to expire June 27, 2019, to November 15, 2019.

And

It was further moved that the Town Clerk be directed to advertise a Notice of Adoption

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

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

B. [19-1194](#)

Consideration of vacation and relocation of boundary lines of Lot 67 of Part Block 10 of Windover Heights subdivision (325 West Street NW) and Lot A of George M Pollard subdivision (315 West Street NW), located in the RS-12.5 and RS-16 zoning districts.

It was moved to approve the vacation and relocation of boundary lines of Lot 67 of Part Block 10 of the Windover Heights subdivision (325 West Street NW) and Lot A of the George M Pollard subdivision (315 West Street NW), located in the RS-12.5 and RS-16 zoning districts in accordance with 15.2-2272.1 of the Code of Virginia and Chapters 17 and 18 of the Town of Vienna Town Code.

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

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

C. [19-1284](#)

Request approval for use of FY20 funds with Granicus, Inc., for agenda management suite, boards and commissions module, and HD video streaming services.

It was moved to approve appropriation of \$30,617.57 in FY20 funds to Granicus, Inc. for the purpose of annual maintenance and support for Town agenda management, boards and commissions module, and video streaming and archiving services. It was further moved to direct staff to look for a less costly alternative for Boards and Commissions, within the next year

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

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

D. [19-1287](#)

Request to establish an agreement with Granicus, Inc. (formally Vision Technologies) for migration and redesign services for the Town's external website.

It was moved to approve purchase, migration, and redesign of the Town's external website with Granicus, Inc. at a total cost of \$20,172.85, riding Virginia Information Technologies Agency (VITA) contract VA-180917-TCTL and not to exceed amount of \$50,790.42 with Granicus, Inc. for FY 2020.

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

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

- E. [19-1232](#)** Request approval of a memorandum of understanding between the Optimist Club of Greater Vienna and Town of Vienna for use of the Vienna Community Center parking lot for the 2019 Vienna Farmers Market

It was moved to approve the 2019 Memorandum of Understanding between the Optimist Club of Greater Vienna and the Town of Vienna for use of the Vienna Community Center for the 2019 Vienna Farmers Market. It was further moved that the mayor or vice mayor be authorized to execute this agreement.

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

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

- F. [19-1269](#)** FY 2020 funding of contracts issued by other jurisdictions

It was moved to continue utilizing municipal contracts with the nine vendors presented, contingent upon acceptance of contract renewals issued to these vendors, and approve the corresponding \$950,268 in expenditures for FY 2020.

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

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

- G. [19-1270](#)** FY 2020 funding and renewals of Town contracts

It was moved to approve FY 2020 expenditures of \$782,492.00 and one-year contract renewals with contractors identified in the attached table from the listed account numbers.

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

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

- H. [19-1271](#)** Request approval to purchase new fleet management software

It was moved to approve the proposed expenditure of \$45,250 to purchase CollectiveFleet, new fleet management software from Collectivedata.

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

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

- I. [19-1282](#)** Appointment of Town Officials for Fiscal Year 2019-20

It was moved to re-appoint the following Town Appointed Officers for Fiscal Year 2019-20:

Mercury T. Payton, Town Manager, pursuant to a contractual agreement; and

Steven D. Briglia as Town Attorney, pursuant to a contractual agreement between the Town of Vienna and Steven D. Briglia for legal and prosecuting services; and

Melanie J. Clark as Town Clerk; and Marion Serfass as Town Treasurer

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

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

8. Meeting Adjournment

A motion was made by Council Member Tara Bloch, seconded by Council Member Howard J. Springsteen, that this was adjourned.. The motion carried by the following vote:

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

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.

Signed / Dated: _____

Laurie A. DiRocco, Mayor

Attest:

Melanie J. Clark, CMC
own Clerk