

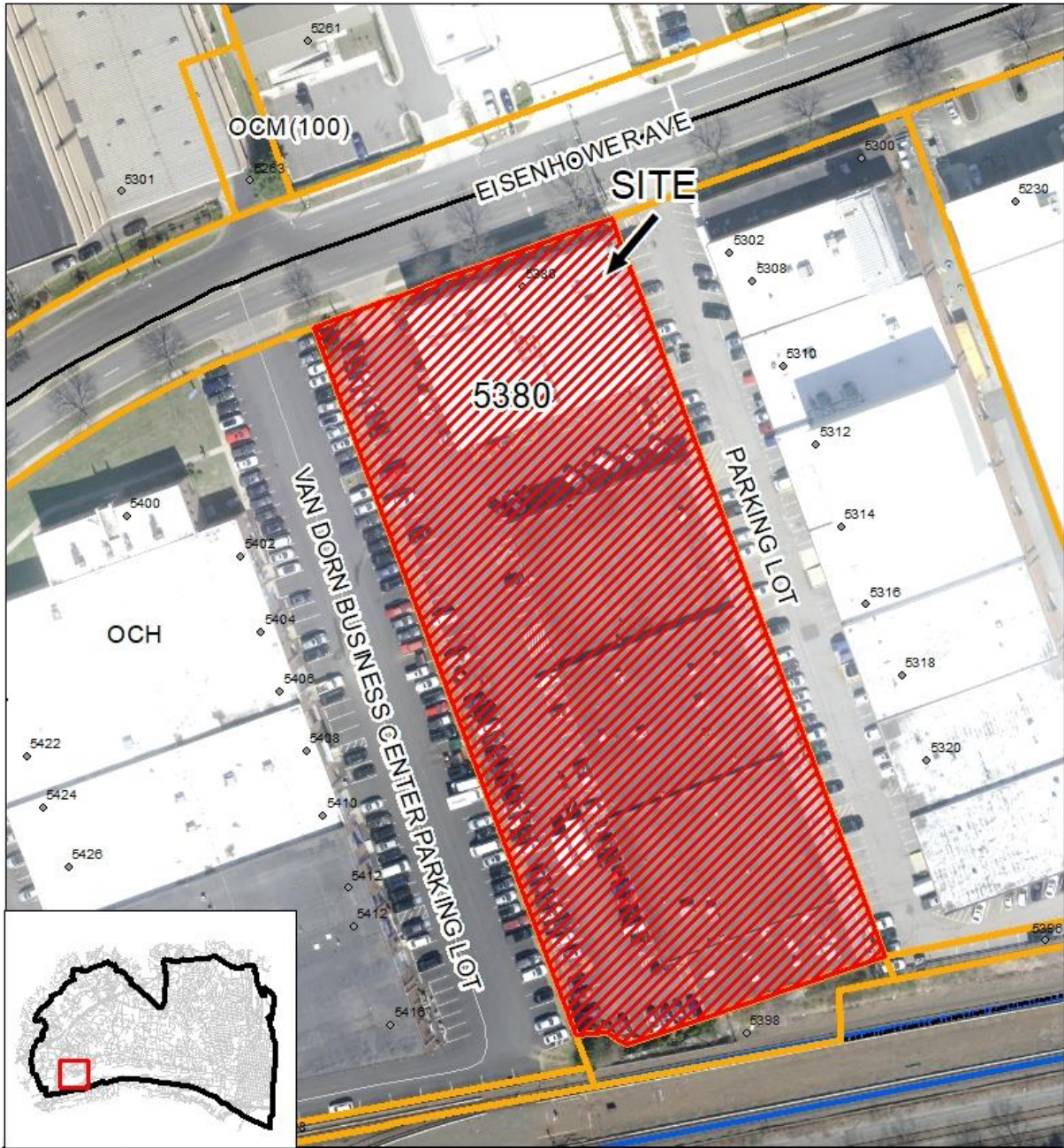



DOCKET ITEM #2
Special Use Permit # 2023-00036
5380 Eisenhower Avenue

Application	General Data	
Public Hearing and consideration of a Special Use Permit for an extension of a Special Use Permit term and for a condition amendment to allow parking space assignments for tenants (amending SUP #2017-00100)	Planning Commission Hearing:	June 22, 2023
	City Council Hearing:	July 5, 2023
Address: 5380 Eisenhower Avenue	Zone:	OCH/Office Commercial (High)
Applicant: Boundary 5380 Eisenhower LLC, represented by Robert D. Brant, attorney	Small Area Plan:	Eisenhower West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewer: Patrick Silva, patrick.silva@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov



 **Special Use Permit #2023-00036**
5380 Eisenhower Avenue

0 40 80 160 Feet

N

I. DISCUSSION

REQUEST

The applicant, Boundary 5380 Eisenhower LLC, requests Special Use Permit approval to amend Special Use Permit #2017-00100 to amend Condition #18 in order to allow the parking spaces located on-site to be allocated for exclusive use by specific tenants and to amend Condition #20 to extend the Special Use Permit review period to November 2033.

SITE DESCRIPTION

The subject parcel is one lot of record with approximately 260 feet of frontage on Eisenhower Avenue, 500 feet of depth, and a total lot area of 102,471 square feet. The site is developed with two industrial/flex space buildings with a total of approximately 64,650 square feet. Building #1, the northernmost building located along Eisenhower Avenue, is two stories with four loading bays and measures approximately 20,000 square feet. Building #2 is a two-story industrial building with approximately 44,000 square feet and seven loading bays. A 94-space parking lot services the tenants of the buildings (Figure 1).

Primetime Baseball, World Hapmudo, Robert Slye Electronics, United Photography, and GES Training occupy the six tenant spaces located in Building #1. Building #2 contains three tenant spaces, two of which are occupied by Building Momentum with the other occupied by Dominion Electric Supply.

The surrounding area is characterized by a mix of industrial, commercial, and institutional uses.

Industrial/flex space buildings are located

immediately to the west and east of the subject lot. Tenants in the buildings include amusement enterprise, private commercial school, automobile repair, commercial laundry, church, storage, health and athletic club or fitness studios, and light industrial uses. A shared parking lot surrounds each of these industrial-flex buildings.

Covanta Energy, the Police Department's firing range, Alexandria Fire Station 210, and the



Figure 1: Site Context

City's vehicle impounding lot are located across Eisenhower Avenue to the north of the subject property. To the south are railroad and WMATA metro tracks.

BACKGROUND

The buildings on the lot were constructed in 1975 in the I-2/Industrial zone (Figures 2 and 3). Site Plan #1982-0029 was approved by City Council in 1982 for the addition of a ten-car parking garage at the southern end of Building #2, resulting in square footage of 56,059 and parking for 96 vehicles on the site. Subsequently, the parking garage was converted to a tenant space and the on-site parking was reconfigured to accommodate 94 vehicles. An additional 8,591 square feet was added to the buildings since 1982 as interior mezzanines. When the parcel was rezoned to OCH/Office Commercial (High) in 1992, the storage, manufacturing, light assembly, and contractors' office uses became legally non-complying.

In recent years, City Council has approved umbrella Special Use Permits for several properties located in the vicinity of the subject site, particularly for industrial/flex space centers along Eisenhower Avenue.



Figure 3: Building #1



Figure 2: Building #2

In November 2017, City Council approved Special Use Permit #2017-00100 for 5380 Eisenhower Avenue which permitted an array of new uses generally categorized as light assembly and production, retail and service, storage and distribution, research and laboratory, and social service, as well as for a 38-space parking reduction. Most recently, in April 2018, staff approved a minor amendment to Site Plan #1982-0029 which reduced the number of off-street parking spaces located on-site pursuant to Special Use Permit #2017-00100.

PROPOSAL

The applicant proposes to amend Condition #18 of their Special Use Permit to allow the 94 on-site parking spaces to be allocated to specific commercial tenants located at the subject site. This

amendment is being requested to address the challenge created by tenants and customers from nearby commercial sites parking on the applicant’s lot, despite the existing tow warning signage. This overflow parking from other commercial sites has resulted in the lack of parking availability for the tenants and customers of 5380 Eisenhower Avenue. In addition, the applicant proposes to amend Condition #20 to extend the Special Use Permit review period assigned to the approval from November 2027 to November 2033 to accommodate lease terms for existing tenants.

PARKING

Section 8-200(A)(16)(a) sets forth the parking requirements for specific commercial uses located within the City’s enhanced transit area including personal service establishments, retail shopping establishments, and private commercial school. This requirement is a minimum of 0.25 and maximum of three parking spaces per 1,000 square feet of floor area. In addition, Section 8-200(A)(18) requires that 1 parking space be provided for every 400 square feet of floor area for commercial uses otherwise not addressed in Section 8-200(A), including manufacturing and warehouse uses. Finally, Section 8-200(A)(19)(a) details required parking for office uses located within the City’s Enhance Transit Area with a minimum of 0.25 and maximum of 1.5 parking spaces per 1,000 square feet of floor area. The existing uses at the site would require 83 parking spaces as calculated in Table 1. The site meets this requirement by providing 94 off-street parking spaces in its on-site surface parking lot.

Unit	Use	sq. ft.	Use	Total Parking Required
B1: Lower Level Suite	World Hapmudo	2,281	Health and athletic club or fitness studio	6
B1: Suite E and I	Primetime Baseball	9,858	Health and athletic club or fitness studio	25
B1: Suite G	Robert Slye Electronics	2,351	Personal Service Establishment	1
B1: Suite F	United Photography	2,250	Personal Service Establishment	1
B1: Suite H	GES Training	2,651	Private School Commercial	1
B2: Suite A	Building Momentum	Warehouse: 5,837 Manufacturing: 5,837 <u>Total: 11,674</u>	Warehouse + Manufacturing	30
B2: Suite B	Dominion Electric Supply	13,171	Retail shopping establishment under 20,000 sq. ft.	4

B2: Suite C	Building Momentum	Office: 12,562 Event Space: 2,400 Manufacturing: 4,250 <u>Total: 19,212</u>	Business and Profession Office + Restaurant + Manufacturing	Office + Event Space: 4 Manufacturing: 11 <u>Total: 15</u>
	Total requirement			83

Table 1: Parking Requirement

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned OCH/Office Commercial (High). The subject parcel has been designated for redevelopment in the Eisenhower West Small Area Plan. The superblock of Eisenhower located between Clermont Avenue and S. Van Dorn Street, where several industrial/flex space centers are now located, would be divided by a new west/east street to create two blocks. At the subject parcel, office and institutional uses would locate on the block with frontage on Eisenhower Avenue and office, retail, and residential uses are planned for the block to the south.

II. STAFF ANALYSIS

Staff supports the requested amendments to Condition #18 and Condition #20. Regarding the requested amendment to Condition #18, staff believes designating specific on-site parking spaces for exclusive use by specific commercial tenants and their customers could complement the measures already in place to deter overflow parking from nearby commercial uses. In addition, assigning parking spaces to tenants would follow the same practice already successfully implemented at the industrial or flex space centers located immediately to the west (5400 Eisenhower Avenue) and to the east (5300 Eisenhower Avenue).

Although redevelopment of the site is anticipated in the Eisenhower West Small Area Plan, it is unlikely in the near or mid-term. Staff has amended Condition #20 to extend the next SUP review to 2038, 15 years from the date of this approval instead of the 10 years requested by the applicant. The 15-year time frame aligns with the SUP review of the nearby 5150, 5200 and 5234 Eisenhower Avenue industrial/flex space center, which Planning Commission recommended approval for at its June 6 hearing. City Council will act on the Planning Commission’s recommendation at its June 17 public hearing.

Staff has carried over the conditions of approval from Special Use Permit #2017-00100. Several have been amended to reflect present-day condition language. Condition #22 has been amended and deleted to reflect the City’s current standard condition language for restaurants. Deleted Condition #24 recognizes that convenience stores are now defined as by-right retail establishments. Conditions #26 and #27 have been deleted as the parking requirements for private commercial schools and recreation and entertainment uses have been reduced since 2017 to a ratio that would not significantly impact the existing parking supply.

Pursuant to the conditions outlined in Section III of this report, staff recommends approval of the Special Use Permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2017-00100)
2. The following uses are permitted on the subject property:
 - a. Below are the only uses that are permitted uses in the OCH zone and are permitted through this SUP:
 - Animal care facility with no overnight accommodation
 - Church (125 seats)
 - Health and athletic club
 - Medical laboratory
 - Medical office
 - Business and professional office
 - Personal service establishment
 - Private school, commercial (50 students)
 - Radio or TV broadcasting office and studio
 - Retail shopping establishment (up to 20,000 square feet)
 - b. Below are uses that require SUP approval in the OCH zone and are permitted through this SUP:
 - Restaurant (pursuant to Section 11-513)
 - Catering operation
 - Light automobile repair
 - Amusement enterprise
 - Convenience store
 - Day labor agency
 - Fraternal or private club
 - Food and beverage production exceeding 3,500 square feet, includes a retail component
 - Public building
 - Retail shopping larger than 20,000 square feet
 - Social service use
 - Wholesale business
 - c. Below are CSL and OCM(50) zone uses that are permitted by this SUP through Section 12-302 (A) and (B)(2) of the Zoning Ordinance:
 - Business offices (other than a business and professional office)

Building materials storage and sales
Glass shop
Laundry, dry cleaning operation
Research and testing laboratory
Parcel delivery
Storage buildings and warehouses, not to include freight distributions centers
Light assembly, service and crafts

- d. Below are uses that are permitted to occupy no more than 20,000 square feet of building area at this site because they are Industrial zone uses that are permitted through Section 12-302 (B)(2) of the Zoning Ordinance:
Manufacturing
Printing and publishing facilities
General automobile repair (P&Z) (SUP2017-00100)
3. This approval is valid if the existing buildings and parking lot remain unchanged. (P&Z) (SUP2017-00100)
 4. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~A minor site plan amendment of SIT #82-0029 is required to address the parking lot and additional square footage changes since the site plan was approved in 1982. (PC) (SUP2017-00100)~~
 5. No debris may be stored in the parking lot. (P&Z) (SUP2017-00100)
 6. The applicant shall maintain the pavement, parking areas, and landscaping in good condition. Parking spaces shall be clearly striped. (P&Z) (SUP2017-00100)
 7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (T&ES) (SUP2017-00100)
 8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP2017-00100)
 9. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2017-00100)
 10. **CONDITION AMENDED BY STAFF:** ~~The use must comply with the city's noise ordinance.~~ All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2017-00100)
 11. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring

- properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2017-00100)
12. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP2017-00100)
 13. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP2017-00100)
 14. Outdoor storage of debris and building materials is not permitted. (P&Z) (SUP2017-00100)
 15. The applicant shall require tenants to require that their employees who drive use off-street parking. (T&ES) (SUP2017-00100)
 16. The applicant shall encourage tenants to encourage its employees use public transportation to travel to and from work. New tenants shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP2017-00100)
 17. The applicant shall require tenants to provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP2017-00100)
 18. **CONDITION AMENDED BY STAFF:** ~~The parking lot shall remain as a shared parking lot and individual spaces shall not be allocated to specific tenants and signed for their sole use~~ Assigned parking spaces must be designated by pavement markings. (T&ES) (P&Z) (SUP2017-00100)
 19. Fencing shall be maintained to prevent unsightly conditions such as holes, sags, or bent areas. (P&Z) (SUP2017-00100)
 20. **CONDITION AMENDED BY STAFF:** ~~The Special Use Permit shall be reviewed by the Director of Planning and Zoning, with notice to the community, 10 years from approval (in November 2027) in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area. Notwithstanding the staff review, City Council shall review the Special Use Permit in November 2038~~2~~ in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area to take such action as they deem appropriate at the time.~~ (P&Z) (SUP2017-00100)

21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after the business is operational, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2017-00100)
22. **CONDITION AMENDED BY STAFF:** Any restaurant shall comply with the following conditions (from Section 11-513):
- a. ~~The indoor dining operating hours shall be limited to 5 a.m. to 12 a.m., daily. For patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and~~ All patrons must leave the premises by one hour after the closing hour. (P&Z)
 - a. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
 - b. ~~Indoor limited, live entertainment shall be permitted~~ may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
 - d. ~~On- and off premises alcohol sales are permitted~~ in compliance with Virginia ABC requirements. (P&Z)
 - e. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
 - f. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol to prevent the underage sale of alcohol. (P&Z)
 - g. The maximum number of ~~indoor seats that may be provided inside~~ at the restaurant shall be 100 comply with the state building code. (P&Z)
 - h. ~~Delivery of food to customers is permitted, if delivery of food to customers is operated by a third party service, not more than one delivery vehicles operated and~~ amange by the applicant are permitted. ~~may pick up orders at the restaurant at any~~

~~one time. In either case, the Delivery vehicles must be parked in an off-street parking space when at the restaurant not in use. (P&Z)~~

- i. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
 - j. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
 - k. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
 - l. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
 - m. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
 - n. ~~Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)~~
 - o. ~~The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP2017-00100)~~
23. Any automobile repair use shall comply with the following conditions:
- a. No vehicles shall be parked or stored in any portion of the public right-of-way. (P&Z)
 - b. No junked, abandoned, visibly damaged, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z)
 - c. No vehicles, including car carriers, shall be parked, stored, loaded, or unloaded in the public right-of-way. (P&Z)
 - d. The applicant shall not use residential side streets for test-driving or diagnosing needed vehicle repairs. The applicant may use major arterials such as Eisenhower Avenue for test-driving regardless of the uses located along those streets. (P&Z)

- e. Vehicle parts, tires, or other materials shall not be stored or permitted to accumulate outside, except in a dumpster or other suitable trash receptacle or enclosure. (P&Z)
- f. The paint booths should be inspected and maintained twice a year by a third-party expert to ensure that they conform to EPA standards and that the emissions of volatile organic compounds (VOCs) are kept to a minimum possible. (T&ES)
- g. No paint or coatings shall be applied outside of the paint spray booth designed and built to the satisfaction of the Director of Code Administration. If automotive refinishing is permitted, no materials shall be disposed of by venting to the atmosphere and no paints or coating shall be applied outside of the approved paint spray booth. (T&ES)
- h. The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (T&ES)
- i. No repair work shall be done outside on the subject property. All repairs of motor vehicles at the site shall be conducted inside a building or structure. (P&Z) (T&ES)
- j. Car wash facilities must be equipped with a water recycling system. The building official shall approve such a system. Any car washing activity must drain to the sanitary sewer system with prior approval from AlexRenew, or be covered by a VPDES permit for discharge into the storm sewer. (T&ES)(P&Z) (SUP2017-00100)

24. **CONDITION DELETED BY STAFF:** ~~Any convenience store use shall comply with the following conditions:~~

- ~~a. No tables or seats shall be provided for customers either inside or outside of the convenience store. (P&Z)~~
- ~~b. Windows shall provide open views into the tenant space and not be opaque or otherwise obstructed except with minor, low height, well maintained and regularly updated window displays, which shall cover no more than 20% of the window area. (P&Z)~~
- ~~c. The cash registers shall be positioned such that staff can monitor activity both inside and outside the store. (P&Z)~~
- ~~d. No food, beverages, or other material or products shall be stored outside. (P&Z)~~
- ~~e. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained~~

to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. containers. (P&Z)

- f. ~~The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent crime, loitering, noise and the underage sales of alcohol. (P&Z)~~
- g. ~~Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)~~
- h. ~~All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)~~
- i. ~~The applicant shall install closed circuit television cameras for the security of patrons, employees, and community residents. (P&Z)~~
- j. ~~Beer or wine coolers may be sold only in 4 packs, 6 packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z)~~
- k. ~~If a pattern of security related problems develops, the applicant will meet with City staff to resolve such problems. If said problems persist, the Director may docket this Special Use Permit for review by the Planning Commission and City Council, regardless of whether it is a part of an annual review. (P&Z) (SUP2017-00100)~~

25. Any church use shall be limited to 125 seats. (P&Z) (SUP2017-00100)

26. **CONDITION DELETED BY STAFF:** Any private commercial school use shall not exceed 50 seats/students. (P&Z) (SUP2017-00100)

27. **CONDITION DELETED BY STAFF:** Any amusement enterprise use shall be limited to 5,000 square feet. (P&Z) (SUP2017-00100)

STAFF: Patrick Silva, Urban Planner, Department of Planning and Zoning
Ann Horowitz, Principal Planner, Department of Planning and Zoning
Tony LaColla, Division Chief, Department of Planning and Zoning

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 The conditions of SUP2017-00100 shall remain in place as applicable. (T&ES)

Code Enforcement:

No comments received

Health Department:

No comments or concerns.

Parks & Recreation:

No comments received.

Police Department:

No comments received.

Fire Department

No comments or concerns.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 5380 Eisenhower Avenue

TAX MAP REFERENCE: 077.01-01-05 **ZONE:** OCH

APPLICANT:

Name: Boundary 5380 Eisenhower LLC

Address: 4800 Hampden Lane, Suite 800 Bethesda, MD 20814

PROPOSED USE: Special Use Permit Amendment to modify conditions associated with SUP#2017-0100

- THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

<u>Robert D. Brant, Attorney/Agent</u>		<u>4/13/2023</u>
Print Name of Applicant or Agent	Signature	Date
<u>2200 Clarendon Blvd, Suite 1300</u>	<u>703-528-4700</u>	<u>703-525-3197</u>
Mailing/Street Address	Telephone #	Fax #
<u>Arlington, VA</u>	<u>rbrant@thelandlawyers.com</u>	
City and State	Email address	
<u>22201</u>		
Zip Code		

PROPERTY OWNER'S AUTHORIZATION

As the property owner of Please see attached, I hereby
(Property Address)
grant the applicant authorization to apply for the Amendment to SUP#2017-0100 use as
(use)
described in this application.

Name: _____ Phone _____

Please Print

Address: _____ Email: _____

Signature: _____ Date: _____

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.
Please see attached.

Boundary 5380 Eisenhower LLC
4800 Hampden Lane, Suite 800
Bethesda, MD 20814

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Authorization and Consent to File Special Use Permit Amendment Application
5380 Eisenhower Avenue, Tax Map ID 077.01-01-05 (the "Property")

Dear Mr. Moritz:

Boundary 5380 Eisenhower, LLC, the owner of the above-referenced Property, hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of an application for a Special Use Permit Amendment on the Property and any related requests.

Very Truly Yours,

BOUNDARY 5380 EISENHOWER LLC

By: 

Its: Member

Date: 4-10-23

APPLICANT AND PROPERTY OWNER OWNERSHIP BREAKDOWN

Applicant/Property Owner: **Boundary 5380 Eisenhower LLC**
4800 Hampden Lane, Suite 800
Bethesda, MD 20814

- **Trainor Family Investments LLC (30%)**
8404 Holly Leaf Drive
McLean, VA 22102

- **Scott Capital Management, LLC (25%)**
612 Nalls Farm Way
Great Falls, VA 22066

- **1501 Moran Road LLC (22.5%)**
22445 Sous Vide Lane
Sterline, VA 20166

- **Georgetown Capital Ventures, LLC (8.75%)**
8620 Doncaster Road
Easton, MD 21601

- **Chesapeake Ventures, LLC (8.75%)**
3099 Old Blue Ridge Turnpike
Syria, VA 22743

- **Boundary 5380 Member LLC (5%)**
4800 Hampden Lane, Suite 800
Bethesda, MD 20814

Note: None of the entities listed above have a business or financial relationship with any member of the Board of Architectural Review, City Council or Planning Commission as defined by Section 11-350 of the Zoning Ordinance

Narrative Description
5380 Eisenhower Avenue
Tax Map 077.01-01-5
Applicant: Boundary 5380 Eisenhower LLC

The Applicant, Boundary 5380 Eisenhower LLC (the “Applicant”), is the owner of property located at 5380 Eisenhower Avenue (the “Property”). The Applicant is seeking a Special Use Permit (SUP) amendment to modify two conditions associated with previously approved SUP #2017-0100. Specifically, the Applicant seeks to remove the restriction on parking allocation imposed by Condition 18, and to extend the SUP review period set forth in Condition 20.

In the way of background, the Property is currently zoned to the OCH Zone, and is developed with two industrial buildings that include 64,645 square feet of floor area. The Property is subject to umbrella SUP #2017-0100, which was approved by City Council in November 2017, subject to conditions, to allow a variety of uses to occupy the buildings, with an associated 38-space parking reduction to allow the 94 on-site spaces to accommodate the new and then-existing uses on the Property. The existing buildings on the Property are currently well-occupied, and house a variety of uses consistent with the umbrella SUP.

While the existing tenants on the Property have had no issues sharing use of the 94 on-site parking spaces over the past five years, the popularity of several uses on adjacent properties has resulted in spillover parking occurring on the Property to the detriment of the Applicant’s tenants. Despite the best efforts of the Applicant and its tenants, they have struggled to prevent spillover parking from occurring, in part, due to the restrictions imposed by Condition 18 of SUP #2017-0100. Condition 18 prohibits the Applicant from allocating spaces to its tenants and signing spaces for use by specific tenants. Similarly situated multi-tenanted buildings on adjacent properties do not share this restriction, and are able to reserve spaces for individual tenants. In order to ensure that its tenants have adequate parking on the Property, and further discourage spillover parking from adjacent properties, the Applicant requests an amendment to remove the restriction on allocated and signed parking imposed by Condition 18.

In addition, the Applicant requests an amendment to Condition 20 to extend the SUP review period from 2027 to 2033. While the Applicant envisions redevelopment occurring in the long-term, based on current market conditions, the increasing demand for industrial space, and considering that the existing buildings are well-occupied by a number of tenants who wish to remain, the Applicant does not anticipate redevelopment occurring within the next decade – at a minimum. In addition, existing tenants within the buildings have expressed interest in extending their leases and/or expanding to additional space. In order to do so, these tenants require the assurance of a long-term lease to ensure that their investment in the Property is amortized over a sufficient period of time. Finally, the existing Covanta facility located directly across Eisenhower Avenue from the Property will likely remain for the duration of its lease period through 2038. Given the proximity of the Property to the Covanta, redevelopment of the Property in accordance with the Eisenhower West Small Area Plan is unlikely to occur until such time as the facility is no longer in operation. An extension of the SUP review period to 2033 will provide current and future tenants with such assurance, and will enable the Applicant to retain existing tenants and attract new tenants to the City until such time as market conditions are appropriate for redevelopment.

Except for the amendments outlined above, the Applicant proposes no additional changes to the approved conditions associated with SUP #2017-0100. Approval of the requested amendments will ensure that the existing and future tenants on the Property have access to adequate parking, and will allow the Applicant to retain its existing tenants and attract new tenants to the City.

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: Amendment to conditions associated with previously approved SUP #2017-0100

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
Varies by tenant (no change).

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
Varies by tenant (no change).

6. Please describe the proposed hours and days of operation of the proposed use:

Day:
Varies by tenant (no change)

Hours:

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No unusual noise levels anticipated (no change).

- B. How will the noise be controlled?
Varies by tenant (no change).

8. Describe any potential odors emanating from the proposed use and plans to control them:
No unusual odors will be generated (no change).

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
Varies by tenant. Trash is the responsibility of the tenant and will be contained in dumpsters (no change).

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
Varies by tenant (no change).

C. How often will trash be collected?
Varies by tenant. Property manager will provide a common dumpster, and trash will be removed on a scheduled and regular basis (no change).

D. How will you prevent littering on the property, streets and nearby properties?
The property manager will provide service on an as needed basis (no change).

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Varies by tenant. Tenants will be responsible for the legal disposition of hazardous materials, if any (no change).

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:
Each tenant is responsible for the legal disposition of hazardous materials, if any (no change).

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?
Each tenant is responsible for the security of its space (no change).

ALCOHOL SALES

13. A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.
If a tenant proposes to sell alcohol, they will be required to follow all applicable ABC regulations (no change).

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

85 Standard spaces
8 Compact spaces
1 Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

- B. Where is required parking located? (*check one*)

on-site
 off-site

If the required parking will be located off-site, where will it be located?

N/A

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

Note: Property is subject to previously approved parking reduction per SUP #2017-0100.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? 4

Planning and Zoning Staff Only Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

- B. Where are off-street loading facilities located? Loading facilities are located on the south side of the building that fronts Eisenhower Avenue (no change).
- C. During what hours of the day do you expect loading/unloading operations to occur? Varies by tenant (no change).
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? Varies by tenant (no change).

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
Street access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No
 Do you propose to construct an addition to the building? Yes No
 How large will the addition be? N/A square feet.

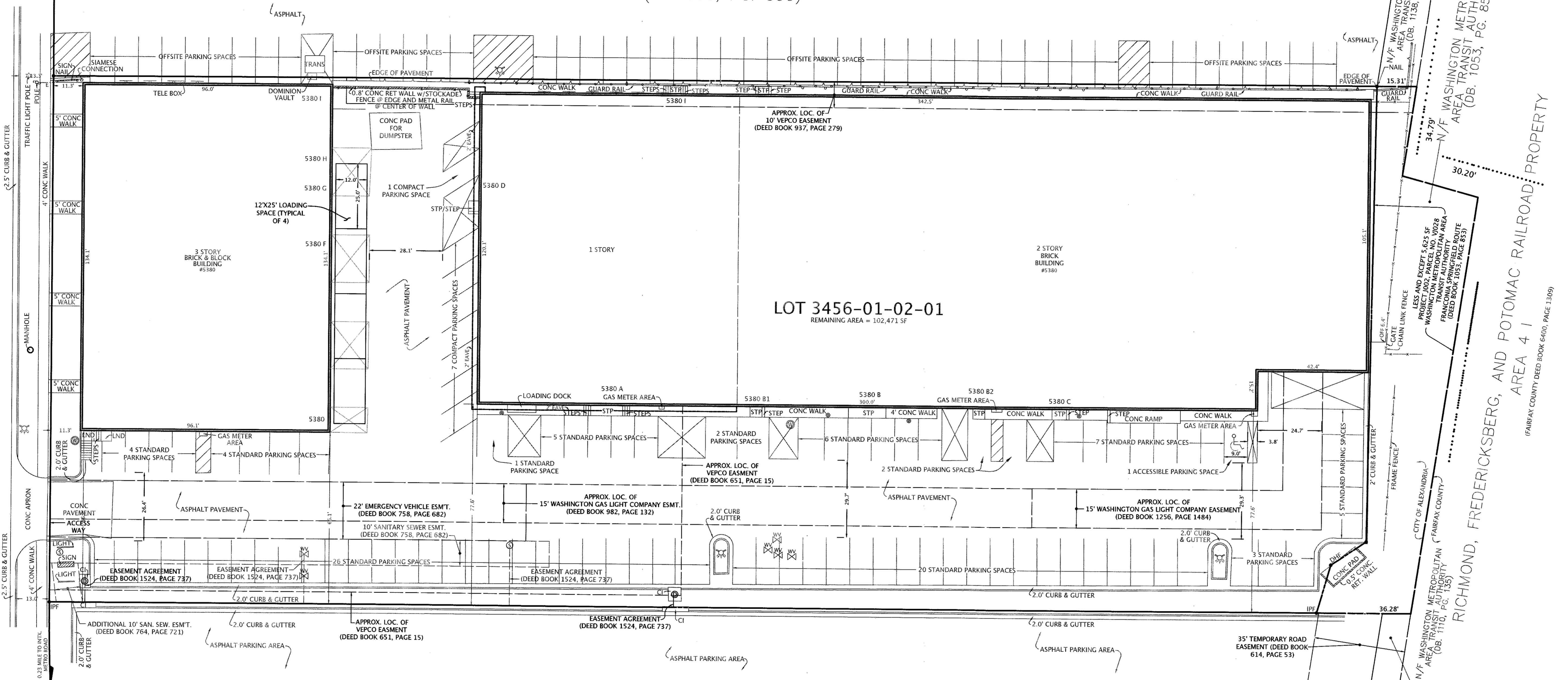
18. What will the total area occupied by the proposed use be?
64,645 sq. ft. (existing) + 0 sq. ft. (addition if any) = 64,645 sq. ft. (total)

19. The proposed use is located in: (check one)
 a stand alone building
 a house located in a residential zone
 a warehouse
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____
 other. Please describe: _____

End of Application

BUSH HILL INDUSTRIAL PARK
SECTION ONE
LOT 3456-01-02-02
(DB. 593, PG. 550)

EISENHOWER AVENUE
R/W VARIES



LOT 3456-01-02-01
REMAINING AREA = 102,471 SF

3456-01-01-06
SECTION 2
BUSH HILL INDUSTRIAL PARK
(DB. 614, PG. 53)

DESCRIPTION OF RECORD:

PER DOMINION SURVEYORS INC. SURVEY DATED DECEMBER 12, 2017: LOT 3456-01-02-01, RESUBDIVISION OF PARCEL "A", SECTION ONE (1), BUSH HILL INDUSTRIAL PARK, AS THE SAME APPEARS DULY RESUBDIVIDED, PLATTED AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA, IN DEED BOOK 593 PAGE 550; THE ORIGINAL DEDICATION OF BUSH HILL INDUSTRIAL PARK BEING RECORDED IN DEED BOOK 533 PAGE 414 AMONG THE AFORESAID LAND RECORDS.

LESS AND EXCEPT THEREFROM A PARCEL OF LAND CONTAINING 5,625 SQUARE FEET, MORE OR LESS, CONVEYED TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BY DEED RECORDED IN DEED BOOK 1053 PAGE 853.

GENERAL NOTES:

- THE PROPERTY DELINEATED HEREON IS SHOWN ON THE CITY OF ALEXANDRIA TAX MAP 77-01-01-05 AND IS ZONED OCH. (OFFICE COMMERCIAL HIGH ZONE)
- OWNER: BOUNDARY 5380 EISENHOWER LLC
4445 WILLARD AVE SUITE 400
CHEY CHASE, MD 20815
- TOTAL REMAINING LAND AREA = 102,471 SF (2.3524 ACRES)
- GROSS AREA OF BUILDING FOOTPRINTS = 53,390 SF (TOTAL)
(12,880 SF + 40,510 SF)
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL DEED BOOK AND PAGE NUMBERS SHOWN HEREON REFER TO THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA UNLESS NOTED.
- SURVEY PROVIDED BY DOMINION SURVEYORS INC. DATED DECEMBER 12, 2017. PORTIONS OF THE PARKING LOT STRIPING WERE VERIFIED ON FEBRUARY 15, 2018.

LEGEND	
CI	CURB INLET
⊙	CLEAN OUT
CONC	CONCRETE
DB	DEED BOOK
DHF	DRILL HOLE FOUND
DHS	DRILL HOLE SET
⊗	FIRE HYDRANT
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
★	LIGHT POLE
N/F	NOW OR FORMERLY
PG	PAGE
⊙	SANITARY MANHOLE
+	SIGN
STP	STOOP
⊕	STORM SEWER MANHOLE
⊕	UTILITY POLE
⊕	WATER METER
⊕	WATER VALVE

PARKING TABULATION:

PER SIT82-029:

PARKING REQUIRED:	
LONG TERM STORAGE: 1 SPACE/5,000 SF =	10 SPACES
OFFICE: 1 SPACE/400 SF =	11 SPACES
TOTAL =	21 SPACES
PARKING PROVIDED:	
STANDARD PARKING =	86 SPACES
GARAGE PARKING =	10 SPACES
TOTAL =	96 SPACES

PER MINOR AMENDMENT:

PARKING PROVIDED:	
STANDARD PARKING =	85 SPACES
COMPACT PARKING =	8 SPACES
ACCESSIBLE PARKING =	1 SPACE
TOTAL =	94 SPACES

PARKING SPACE DIMENSIONS NOTE: ALL STANDARD PARKING SPACES ARE A MINIMUM 9'X18.5'. ALL COMPACT PARKING SPACES ARE A MINIMUM 8'X16'.

LOADING TABULATION:

LOADING REQUIRED:	
1 SPACE/20,000 SF = 64,650 SF / 20,000 =	3.2 SPACES (OR 4 SPACES)
LOADING PROVIDED:	
	4 SPACES

LOADING SPACE DIMENSIONS NOTE: ALL LOADING SPACES ARE A MINIMUM 12'X25'.

SQUARE FOOTAGE TABULATION:

SIT82-029:	56,059 SF
+MEZZANINE:	9,791 SF
GROSS SQUARE FOOTAGE:	65,850 SF
FLOOR AREA:	64,650 SF

APPROVED
SPECIAL USE PERMIT NO. SIT82-029

DEPARTMENT OF PLANNING & ZONING

DIRECTOR _____ DATE _____

DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES

SITE PLAN NO. _____

4-12-18

CHAIRMAN, PLANNING COMMISSION _____ DATE _____

DATE RECORDED _____

INSTRUMENT NO. _____ DEED BOOK NO. _____ DATE _____

DATE	REVISION
3/19/18	PARKING LAYOUT REV

DESIGN: -
CHECKED: ACS
SCALE: 1" = 20'
DATE: FEB 2018

PARKING LAYOUT

SHEET 1 OF 1
FILE: 18-15

R.C. FIELDS & ASSOCIATES, INC.
ENGINEERING • LAND SURVEYING • PLANNING
730 S. Washington Street
Alexandria, Virginia 22314
(703) 549-6422

COMMONWEALTH OF VIRGINIA
ANDREA SPURCH
Lic. No. 047888
MARCH 19, 2018
PROFESSIONAL ENGINEER

MINOR AMENDMENT
W.R. MANCHESTER
5380 EISENHOWER AVENUE
CITY OF ALEXANDRIA, VIRGINIA

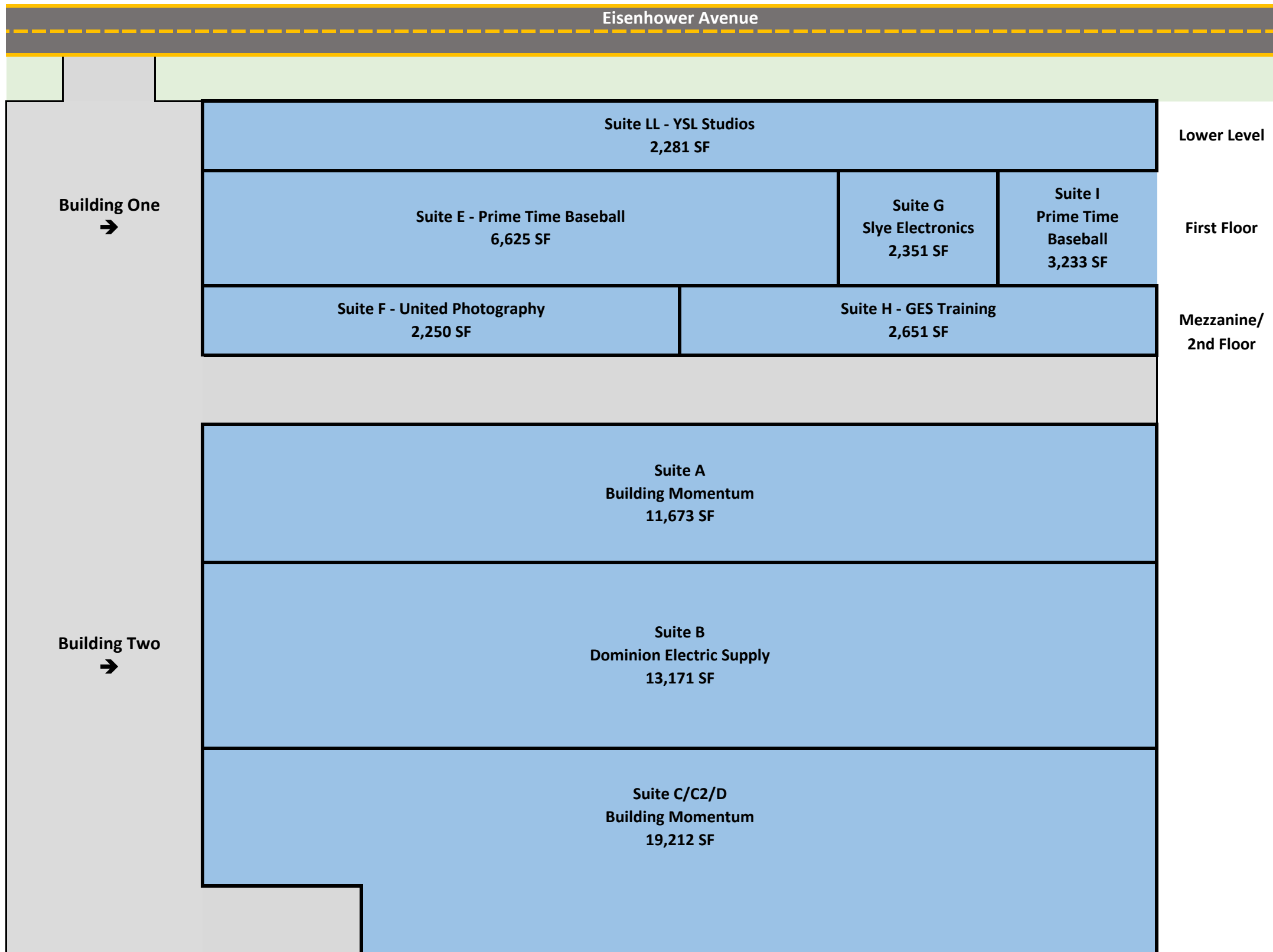
Revision
Released
4-12-18
BML

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EXISTING UTILITIES SHOWN ON THIS PLAN TAKEN FROM AVAILABLE RECORDS AND/OR FROM FIELD OBSERVATIONS. FOR EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-552-7001, 72 HOURS BEFORE THE START OF ANY EXCAVATION OR CONSTRUCTION.

LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. INTERFERENCE OR DISRUPTION OF SAME WILL NOT BE THE RESPONSIBILITY OF THIS OFFICE.

ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF ALEXANDRIA.



5380 Eisenhower Avenue - Current Tenants as of April 13, 2023

Unit	Status	Tenant	Business Type	Use	SF
Building 1					
LL	Leased	YSL Studio	Martial Arts Studio	Private School	1,369
				Office	912
				Total Suite LL	2,281
E	Leased	Prime Time Baseball	Baseball Training Facility	Health Club	6,652
I	Leased	Primetime Baseball	Baseball Training Facility	Health Club	3,233
F	Leased	United Photography	Offices for Photogaphy Business	Business Office	2,250
G	Leased	Vacant	Vacant Suite	Warehouse	1,176
				Office	1,176
				Total Suite G	2,351
H	Leased	Global Env. Solutions	Environmental Testing Training	Private School	2,651
Building 2					
A	Leased	Building Momentum	Training/Consultant/NonProfit	Warehouse	5,837
				Manufacturing	5,837
				Total Suite A	11,673
B	Leased	Dominion Electric	Electric Wholesale/Retailer	Storage	10,007
				Retail	1,256
				Office (first floor)	500
				Office (second floor)	1,408
				Total Suite B	13,171
C	Leased	Building Momentum	Training/Consultant/NonProfit	Office	12,562
				Event space	2,400
				Manufacturing	4,250
				Total Suite C	19,212
Building 1 Total					19,418
Building 2 Total					44,056
Property Total					63,474