



DOCKET ITEM #8

Special Use Permit #2016-0051

5770 Dow Avenue (Parcel Address: 650 S. Van Dorn Street) - Portner's Brewhouse

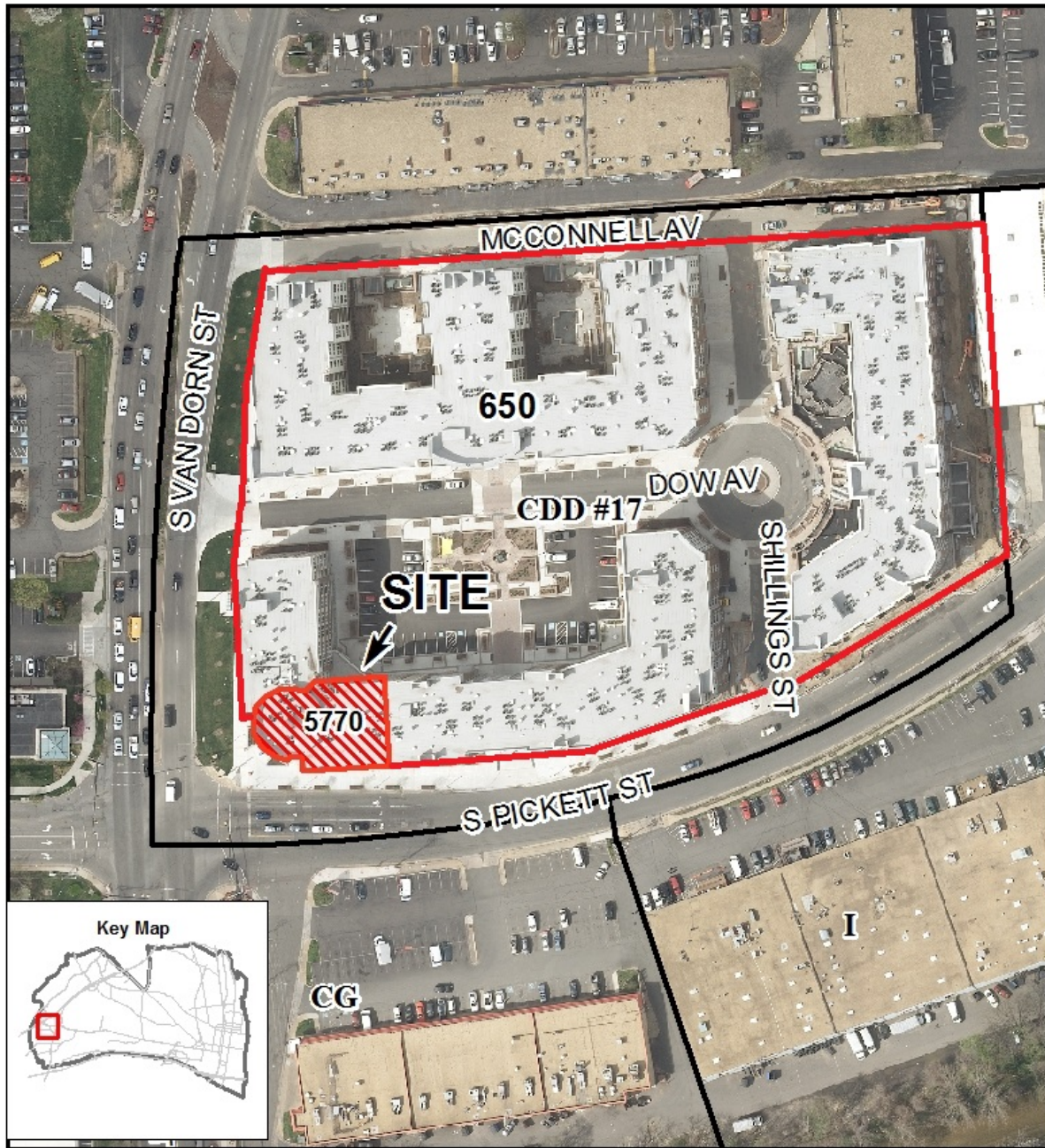
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Public hearing and consideration to amend SUP #2015-0089 to permit additional outdoor dining seats, off-premises alcohol sales, and a parking reduction.	Planning Commission Hearing:	September 8, 2016
	City Council Hearing:	September 17, 2016
Address: 5770 Dow Avenue (Parcel address: 650 S. Van Dorn St.)	Zone:	CDD #17
Applicant: Portner Brewhouse, LLC	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 Reviewers: Chrishaun Smith, shaun.smith@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov



Special Use Permit #2016-0051
5770 Dow Avenue (parcel address
650 S. Van Dorn St)



I. DISCUSSION

The applicant, Portner Brewhouse, LLC, requests to amend SUP #2015-0089 to permit additional outdoor dining seats, off-premises alcohol sales, and a parking reduction.

SITE DESCRIPTION

The subject site is located on one parcel of record. The subject parcel is developed with the Modera Tempo mixed-use building. It is bounded by McConnell Avenue to the north, South Pickett Street to the south, and South Van Dorn Street to the west. The applicant's tenant site, comprising 4,000 square feet of the 15,000 square feet of ground level commercial space in the Modera Tempo complex, is located at the southernmost of the three buildings at the corner of South Van Dorn and South Pickett Streets. The 15,000 square foot commercial space is comprised of a mixture of uses, including a dental office and three restaurants: Jimmy Johns (SUP #2015-0025), Smashburger (SUP #2014-0037), and Starbucks (SUP #2015-0029).



The area surrounding Modera Tempo is generally occupied by automobile-oriented commercial and light industrial uses. The Van Dorn Station Shopping center, which includes several retail and restaurant tenants as well as light industrial uses, is located to the north. An Olympus Food Service warehouse is located to the east. Two commercial centers with retail and restaurant tenants are located to the south. A self-storage facility, a TD Bank branch, and a Red Lobster restaurant are located to the west.

BACKGROUND

In January 2012, City Council approved DSUP#2011-0030 for the construction of the three building Modera Tempo (previously named Landmark Gateway) mixed-use development, composed of 15,000 square feet ground floor commercial space and 492 upper floor residential units. The site includes a 58 space parking lot and a parking garage consisting of 694 spaces, primarily for residential use. A parking reduction and Transportation Management Plan (TMP) SUPs were also approved as part of the DSUP approval. TMP SUP #2011-0078 included a requirement for an annual contribution toward a variety of activities aimed at encouraging public transportation and achieving a 30% reduction in the number of people using single occupant vehicles. Because of Modera Tempo's location adjacent to the Van Dorn Metro Station and multiple bus routes, the DSUP approval for Modera Tempo stipulated that 53 off-street parking spaces are required to be shared among all commercial uses at the site. Although not officially counted toward the number of spaces, commercial business patrons can use eleven on-street spaces that were created along South Pickett Street in connection with the Modera Tempo development.

In October 2015, the Portner Brewhouse was approved for an Administrative Special Use Permit (SUP #2015-0089) to operate a restaurant with an on-site accessory brewery with 156 indoor seats and 20 outdoor seats. The hours of operation were approved between 11 a.m. and 11 p.m., Monday through Thursday; 11 a.m. and 12 a.m., Friday and Saturday, and 10 a.m. to 11 p.m. on Sunday. Off-premise alcohol sales, live entertainment, and food delivery service were not included in this approval. The parking requirement was satisfied for all of the ground floor commercial uses by utilizing the shared 53 surface parking spaces located at the interior plaza, between Buildings #1 and #3.

PROPOSAL

The applicant proposes to amend SUP #2015-0089 to permit an additional 53 outdoor seats, allow off-premises alcohol sales, and for a parking reduction. The outdoor seats would augment the previously approved 20 outdoors seats, located in front of the restaurant. The hours of operation would be remain as 11 a.m. until 11 p.m., Monday through Thursday; 11 a.m. until 12 a.m., Friday and Saturday; and 10 a.m. to 11 p.m., on Sunday. Live entertainment and food delivery service are not proposed. The applicant also requests permission to sell off-premises alcohol in 22 fluid ounce bottles and 32 and 64-ounce growlers as well as limited keg sales to area restaurants, which is currently prohibited under its SUP.

The applicant has also requested a 14 space parking reduction for the additional outdoor seats. The applicant also proposes to contract with the owners of Modera Tempo for 10 parking spaces within the garage; dedicated exclusively for restaurant employees. The applicant is also proposed to have the option to obtain parking passes at a daily rate for employees in the garage if all monthly passes are utilized.

PARKING

The approved site plan for DSUP #2011-0030 provided for 694 parking spaces within the parking garage, and 58 surface parking spaces to be used for retail tenants of the Modera Tempo development for a total of 752 parking spaces. As approved, the development is required to maintain a parking ratio of 1.4 parking spaces per unit (492 residential units), therefore 688 parking spaces within the garage are dedicated to residents of the development.

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, one parking space is required for every four restaurant seats. Parking for the existing 176 seat restaurant was approved pursuant to TMP SUP #2011-0078. As the 53 additional outdoor seats represents an intensification of the restaurant use, the parking requirement set forth in Section 8-200(A)(8) has been applied to the request, resulting in the need for the applicant to provide 14 parking spaces.

The applicant would provide eight spaces in the on-site garage through a monthly lease agreement with the owners of Modera Tempo. Employees of the applicant may also utilize additional parking spaces that are currently reserved for visitors parking within the garage at a daily rate, depending on residential demand within the garage. While the development is required to maintain a minimum parking requirement of 688 parking spaces for residents, the Modera Tempo parking garage is currently underutilized and eight contracted parking spaces may be classified as a technical parking reduction for the applicant. However, in order to be in

compliance with parking requirements. a 14 space parking reduction request is included in this SUP request.

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in the CDD #17 zone. DSUP#2011-0030 permitted the existing restaurant through an Administrative Special Use Permit, subject to DSUP Condition 8.

The Modera Tempo development was originally developed within the Landmark/Van Dorn Small Area Plan. However, the property is now located within the boundaries of the Eisenhower West Small Area Plan, approved by City Council in December 2015. The proposed use is in compliance with both of the Small Area Plans, which designates this location of South Van Dorn Street primarily for mixed-use development with ground-level retail uses.

II. STAFF ANALYSIS

Staff supports the applicant's requests for additional outdoor dining seats, off-premises alcohol sales and for a parking reduction as reasonable for a restaurant operation and appropriate for a mixed-use building. The expansion of outdoor seating in the Modera Tempo building is a positive development toward realizing the mixed-use planning goals envisioned in the Eisenhower West Small Area Plan. The additional seating would help promote a mix of daytime and nighttime amenities for current residents of the Modera Tempo building and surrounding residents within the greater Van Dorn/Landmark area of the city, as envisioned by the Eisenhower West Small Area Plan.

Staff does not expect impacts from off-premises alcohol sales as similar requests have been approved at other restaurants within the city, including Lost Dog Café (SUP #2014-00014), Sonoma Cellar (SUP #2014-00020), and Bastille (SUP #2016-00019) with no known impacts to surrounding neighborhoods. Additionally, potential impacts would be limited given that the restaurant would not be an entertainment destination, as required in Condition 8. In order to further mitigate impacts, Condition 7 has been added to regulate the alcohol quantities sold for off-premise consumption.

Staff finds the applicant's request for a parking reduction of 14 spaces reasonable and believes it would unlikely create an impact on parking availability at the Modera Tempo development. Employees would have the option to use public transportation to access the site, due to the accessibility of bus and metro. Employees would also have the opportunity to utilize eight parking spaces within the parking garage under a lease agreement between the property owners of Modera Tempo and the applicant (Condition 26) or utilize up to ten parking spaces within the garage for use by an employee of the applicant at a daily rate, depending on residential demand within the parking garage. In addition, the restaurant is required to encourage its employees and customers to use public transit or to carpool when traveling to and from work and to advertise alternative methods to travel to the site, pursuant to Condition 15. The outdoor seating will also be seasonal, negating the need for additional parking during off-season months. Lastly, the adjacent dental office will be closed during evenings and weekends, when the restaurants operating within the development are busiest, further reducing the demand for parking.

Several conditions have been carried forward from SUP #2015-0089 to ensure that the use creates minimal impacts on the residents of Modera Tempo and the surrounding neighborhood. The restaurant shall operate in a fashion that minimizes traffic impacts by prohibiting delivery service (Condition 9). The applicant also shall comply with the city's noise ordinance, with outdoor speakers prohibited and no amplified sound to be audible from property lines (Condition 20). Lastly, the applicant is prohibited from accepting deliveries between the hours of 10:00 p.m. and 7:00 a.m. (Condition 3).

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2015-0089)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 156 during the time when the up to 73 outdoor dining seats are in use. The maximum number of indoor seats at the restaurant shall be 166 seats during the time when outdoor dining is not in use. ~~contingent on~~ Consistency with the Building Code and compliance with the requirements of pursuant to DSUP2011-0030, Condition #8a is required. The maximum number of outdoor seats at the restaurant shall be ~~207~~73. At no time shall the total number of indoor and outdoor seats at the restaurant exceed 229. (P&Z) (SUP #2015-0089)
3. The hours of operation for the indoor portion of the restaurant shall be limited to between 11 a.m. and 11 p.m., Monday through Thursday; 11 a.m. and 12 a.m., Friday and Saturday, and 10 a.m. to 11 p.m. on Sunday. For indoor seating, meals ordered before 11 p.m., Sunday to Thursday may be sold, but no new restaurant patrons may be admitted after 11 p.m. and all patrons must leave by 12 a.m. For indoor seating, meals ordered before 12 a.m., Friday and Saturday may be sold, but no new restaurant patrons may be admitted after 12 a.m. and all patrons must leave by 1 a.m. The outdoor dining area shall be cleared of customers by 11 p.m., Sunday through Thursday and by 12 a.m., Friday and Saturday. The outdoor dining area shall be washed at the close of each business day that it is in use. (P&Z) (SUP #2015-0089)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2015-0089)
5. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z) (T&ES) (SUP #2015-0089)

6. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z) (SUP #2015-0089)
7. **CONDITION AMENDED BY STAFF:** On-premises alcohol service shall be permitted at the restaurant, consistent with a valid Virginia ABC license. The sale of off-premises alcohol may be permitted at the restaurant. Off-premises beer may be sold only in 4-packs, 6-packs, 22 ounce large format bottles or growlers of 32 and 64 fluid ounces. A limited number of kegs of beer may be sold. (P&Z) ~~(SUP #2015-0089)~~
8. No live entertainment shall be allowed in the indoor or outdoor seating areas of the restaurant. (P&Z) (T&ES) (SUP #2015-0089)
9. No delivery service of food to customers shall operate from the restaurant. (P&Z) (SUP #2015-0089)
10. All signage at the site shall comply with Condition #46 and #47 of DSUP#2011-0030 and all other applicable codes and ordinances. (P&Z) (SUP #2015-0089)
11. 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) (SUP #2015-0089)
12. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2015-0089)
13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (T&ES) (SUP #2015-0089)
14. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES) (SUP #2015-0089)
15. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES) (SUP #2015-0089)
16. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP #2015-0089)
17. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP #2015-0089)

18. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES) (SUP #2015-0089)
19. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP #2015-0089)
20. **CONDITION AMENDED BY STAFF:** The use shall comply with the city's noise ordinance. ~~No outdoor speakers shall be permitted~~ All outdoor speakers shall be prohibited. No amplified sound shall be audible at the property line. (T&ES) (~~SUP #2015-0089~~)
21. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES) (SUP #2015-0089)
22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 10:00pm and 7:00am. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (T&ES) (SUP #2015-0089)
23. 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) (SUP #2015-0089)
24. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2015-0089)
25. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, 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) (~~SUP #2015-0089~~)
26. **CONDITION ADDED BY STAFF:** The applicant shall provide a signed lease agreement to the Director of Planning and Zoning indicating that at least eight parking spaces in the on-site garage are made available for its employees prior to final approval of the Certificate of Occupancy. The applicant shall provide an up-to-date contract upon request during SUP inspections. (P&Z)

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services
Ann Horowitz, Urban Planner
Shaun Smith, Urban Planner

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:

- R-1: 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)
- R-2: The applicant shall control cooking 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)
- R-3: All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-4: Supply deliveries, loading, and unloading activities shall not occur between the hours of 10:00pm and 7:00am. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (T&ES)
- R-5: 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. In addition, no live entertainment and loud speakers shall be allowed in the outdoor dining area. (T&ES)
- R-6: The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-7: The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-8: The applicant shall 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 Local Motion at localmotion@alexandriava.gov for more information about available resources. (T&ES)
- R-9: 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)

- F-1: The building footprint is outside of the floodplain boundary. As such, this project is not subject to the floodplain regulations found in the ordinance. However, it is advised that project owners/operators become aware of the risks associated with the location of existing floodplains and it is recommended that project owners/operators located in known flood zones make improvements that protect the property from flood related damages. (T&ES)
- C-1: The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2: The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

No code comments

Fire:

- C-1: Requirement for fire prevention permit remains from SUP2015-00089.

Health:

Food Facilities

- C-1: No food preparation shall take place in the outdoor dining area. If the facility intends to have food preparation outdoors then the submission of construction plans and a plan review process are required.

Parks and Recreation:

No comments received

Police Department:

No comments received



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2016-0051

PROPERTY LOCATION: 5770 Dow Avenue, Alexandria, VA 22034

TAX MAP REFERENCE: 62.02

ZONE: CDD#17

APPLICANT:

Name: Portner Brewhouse LLC

Address: 5770 Dow Avenue, Alexandria, VA 22304

PROPOSED USE: Expand existing SUP to include off-premises alcohol & additional outdoor patio seating

☒ **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.

Catherine Portner

Print Name of Applicant or Agent

601 Wilkes St. #303

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code

Catherine Portner 6/24/16

Signature

Date

703-646-0466

Telephone #

Fax #

portnerbrewhouse@gmail.com

Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of Landmark Gateway, I hereby
 (Property Address)
 grant the applicant authorization to apply for the off-premise alcohol & additional outdoor seating use as
 (use)
 described in this application.

Name: Sean CaldwellPhone: (301) 255-6008

Please Print

Address: 6701 Democracy Blvd, Suite 500, Bethesda, MD 20817Email: anasserian@mcrtrust.comSignature: Date: 6/23/16

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 ten percent.

Merrygate Hospitality LLC, 601 Wilkes Street #303 Alexandria, VA 22314 (58%)

Please see attachment for complete list of owners.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ **Yes.** Provide proof of current City business license

☒ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The applicant is requesting two amendments to the previously approved Administrative Special Use Permit #2015-0089 under the Landmark Gateway DSUP #2011-0030; additional seating for the outdoor dining area and permission to sell beer off-premises.

The Administrative SUP granted the applicant a maximum of twenty (20) outdoor dining seats however the outdoor dining space may accommodate up to seventy-three (73) seats for its patrons to enjoy during favorable weather. Requested new total of outdoor dining seat is seventy-three (73), an addition of fifty-three (53) seats.

Secondly, the Administrative SUP granted the applicant permission for the sale of on-premises beer, wine and mixed beverages. Since beer production will take place on-site and is the only point-of-sale available for this product by draft, the applicant requests permission to expand beer sales to off-premises as well. Draft beer would be filled into a container typically 32oz or 64oz in size known as a growler, sealed and labeled for patrons to enjoy Portner Brewhouse's house-brewed beers in their own home. Please see Exhibit A for growler definition and images of examples.

The applicant also anticipates and requests the sale of kegged beer to business customers such as restaurants in the Old Town neighborhood. Due to the small size of the on-site brewery within a full service restaurant operation, the volume of kegged beer sales to businesses is unlikely to exceed five (5) - (15.5 gallon kegs) per week. No changes are requested to any other items prescribed by the original Administrative SUP. Thus all responses following reflect the same information approved with the exception of those noted within this narrative.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Merrygate Hospitality LLC	601 Wilkes Street #303 Alexandria, VA 22314	58%
2. Please see attached	Varies - please see attached	42%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 5770 Dow Avenue, Alexandria, VA 22304 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. MP Landmark Gateway	6701 Democracy Blvd. Ste 500, Bethesda, MD 20817	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Merrygate Hospitality LLC	NONE	NONE
2. Please see attached	Please see attached	Please see attached
3. MP Landmark Gateway	NONE	NONE

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/24/16

Date

Catherine Portner

Printed Name



Signature

OWNERSHIP AND DISCLOSURE STATEMENT

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 and the percent of ownership.

First Name	Last Name	Street Address 1	Street Address 2	City	State	Zip Code	Percentage Ownership	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
Merrygate	Hospitality	601 Wilkes Street	#303	Alexandria	VA	22314	58%	None	
Benjamin	Schmachtenberger	1113 Redwood Drive		Loveland	CO	80538	3 50%	None	
Michael	Matyas	510 N. Lincoln Street		Arlington	VA	22201	3%	None	
Christopher	Hardisty	2251 Eisenhower Ave	Apt 505	Alexandria	VA	22314	2%	None	
Stephen	Mitchell	8508 Doyle Dr		Alexandria	VA	22308	2%	None	
Christopher	Whelan	8103 F.E. Carter Road		Laurel	MD	20724	2%	None	
Chad	Wolfsheimer	4500 S Four Mile Run Dr	Apt 925	Arlington	VA	22204	2%	None	
Riff	Mogul LLC	5375 Duke St. #1403		Alexandria	VA	22304	1 50%	None	
Kelli	Back	417 Earl Street		Alexandria	VA	22314	1%	None	
Marianne	Buckley	8604 Wagon Wheel Road		Alexandria	VA	22309	1%	None	
Jared	Clarke	6425 Forest Rd.		Cheverly	MD	20785	1%	None	
Bruce	Collette	Pageland Farm	P.O. Box 108	Casanova	VA	20139-0108	1%	None	
David	Doane	7106 Mason Grove Court		Alexandria	VA	22306	1%	None	
Aaron	Emery	5375 Duke St. #1403		Alexandria	VA	22304	1%	None	
Curtis	Emery	39637 Boulevard A		Eaton	CO	80615-9536	1%	None	
Nathaniel	Esty	1023 N Royal Street	Unit 303	Alexandria	VA	22314	1%	None	
Frank	Fannon	1105 Duke Street		Alexandria	VA	22314	1%	Business or Financial Relationship with Mark Yoo and Brendan Owes	Board of Zoning Approvals; Board of Architectural Review, respectively
Jordan	Glashow	3229 Wynford Drive		Fairfax	VA	22031	1%	None	
Joseph	Holland	2104 Belle View Blvd		Alexandria	VA	22307	1%	None	
Aaron	Jeanguenat	8605 Kenilworth Drive		Springfield	VA	22151	1%	None	
Andrew	Laws	7304 Rippon Road		Alexandria	VA	22307	1%	None	
TriBsquared	LLC	1600 N Oak Street	Apt 516	Arlington	VA	22209	1%	None	
Jarred	Markel	6409 Kilkenney Lane		Fairfax Station	VA	22039	1%	None	
Lindsey	Miranda Canaley	1005 N Van Dorn Street		Alexandria	VA	22304	1%	None	
John	Murray	6819 Corder Lane		Lorton	VA	22079	1%	None	
Joseph	Nocerino	9802 Lindsay Blake Lane		Great Falls	VA	22066-3819	1%	None	
Douglas	Nocerino Living Trust	1307 N. Hudson St		Arlington	VA	22201	1%	None	
George	Nunez	74 Hawthorne Court NE		Washington	DC	20017	1%	None	
Jason	O'Brien	119 E Clifford Avenue		Alexandria	VA	22305	1%	None	
Garrett	Peck	901 N. Monroe Street	#416	Arlington	VA	22201	1%	None	
Joseph	Simonelli	9995 Belvoir Drive		Fort Belvoir	VA	22060	1%	None	
John	Sprinkle	603 Johnston Place		Alexandria	VA	22301	1%	None	
Lawanda	Swope	7421 Swope Lane		Springfield	VA	22153	1%	None	
Craig	Woods	6802 Woodstone Pl		Alexandria	VA	22306	1%	None	

Sara Brandt Vorel

From: Catherine <catherine@portnerbrewhouse.com>
Sent: Tuesday, June 28, 2016 12:44 PM
To: Sara Brandt Vorel
Cc: Ann Horowitz
Subject: Re: SUP application

Hi Sara,

Ownership & Disclosure Statement for Merrygate Hospitality LLC
Catherine Portner (65%) No relationships with City Council etc
Margaret Portner (35%) No relationships with City Council etc

Thanks,
Catherine

On Mon, Jun 27, 2016 at 3:49 PM, Ann Horowitz <ann.horowitz@alexandriava.gov> wrote:

Catherine,

I reviewed your application and noted that we need some additional information. For the ownership and disclosure statement, we would need an ownership breakdown for all partners with at least 3% ownership in Merrygate Hospitality LLC. You can email that information to Sara, who is copied on this email. I will be on vacation from 6/28-7/8.

Thank you.

Ann

Urban Planner

City of Alexandria

Department of Planning and Zoning

Room 2100

City Hall

301 King Street

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: _____

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).

150 patrons per lunch shift; 350 patrons per dinner shift

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

15 employees during lunch shift; 25 employees during dinner shift

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

Day:

Monday

Hours:

Closed to the public, private events only

Tuesday - Thursday

11 am - 11 pm

Friday - Saturday

11 am - 12 midnight

Sunday

10 am - 11 pm

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

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

Typical patron noise while dining in full-service restaurant and mechanical equipment

noise from restaurant all contained within premises

B. How will the noise be controlled?

Doors will remain closed during business hours and a vestibule will
mitigate sounds from typical patron noise.

8. Describe any potential odors emanating from the proposed use and plans to control them:

Both kitchen and brewery areas have their own ventilation hoods with filters

which exit the building on the roof. The kitchen exhaust fan will be located on the roof, four additional stories above restaurant at street level. The brewery boiler includes a cold trap venting system which condenses steam, converting it to a liquid and is connected to a floor drain thus any odor during this process cannot escape the work space.

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)

Food waste, brewing waste

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

300 lbs per day

- C. How often will trash be collected?

Trash will be collected three (3x) per week.

- D. How will you prevent littering on the property, streets and nearby properties?

Common area maintenance of litter maintained by the the landlord's property management staff

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:

n/a

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:

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

Adequate lighting and indoor security cameras to monitor activity.

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.

On-premises mixed drinks, beer and wine sales (previously approved under SUP 2015-0089)

(NEW) Off-premises beer sales of draft beer in sealed containers (growlers) and kegged beer to business customers

Yes, ABC license will include both on-premises and off-premises sales.

PARKING AND ACCESS REQUIREMENTS

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

53 Standard spaces
n/a Compact spaces
4 Handicapped accessible spaces.
11 - offsite Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ 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?

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

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

- A. How many loading spaces are available for the use? 1

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? The loading dock is located on the east wing
of the building adjacent to the trash storage area.
- C. During what hours of the day do you expect loading/unloading operations to occur?
7:00 am - 11:00 am
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Tuesday - Saturday once per day
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?
The street access is adequate for traffic flow.

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?
5350 sq. ft. (existing) + 0 sq. ft. (addition if any) = 5350 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: mixed use retail and residential complex - Landmark Gateway (Modera Tempo)

End of Application

SUP # 2016-0051

Admin Use Permit #



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?

Indoors: 0 Outdoors: 53 Total number proposed: 53

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) ☒ Yes ☐ No
Beer and wine — on-premises ☒ Yes ☐ No
Beer and wine — off-premises ☒ Yes ☐ No

3. Please describe the type of food that will be served:

Full service classic German and contemporary American cuisine including appetizer, entree and dessert offerings.

4. The restaurant will offer the following service (check items that apply):

☒ table service ☒ bar ☒ carry-out ☐ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? ☐ Yes ☐ No

Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

☒ Yes ☐ No

If yes, please describe:

Background music, two (2) televisions in the bar area. No live entertainment, no video games



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

The increase of 53 full-service restaurant dining seats requires an increase of 13.25 available parking spaces (14 spaces) per requirement of 1 parking space for every 4 restaurant dining

seats. The retail and residential mixed-use development at Landmark Gateway (Modera Tempo) has a fixed number of spaces (53 spaces) utilized by all retail tenants. Additional on-site parking is not available.

2. Provide a statement of justification for the proposed parking reduction.

The parking reduction requested is in connection with increased seating for outdoor, seasonal only seating that would not be utilized in the same frequency as the year-round business and provides a unique dining environment in Alexandria's West End neighborhood.

3. Why is it not feasible to provide the required parking?

The location of the premises has a fixed number of parking spaces for retail and residents. There are no additional public garages in the vicinity. There is, however, on-street public parking available

along S. Pickett Street. In connection with the development, 11 additional off-site parking spaces were created along S. Pickett Street that were not factored into previous parking calculations at the site.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

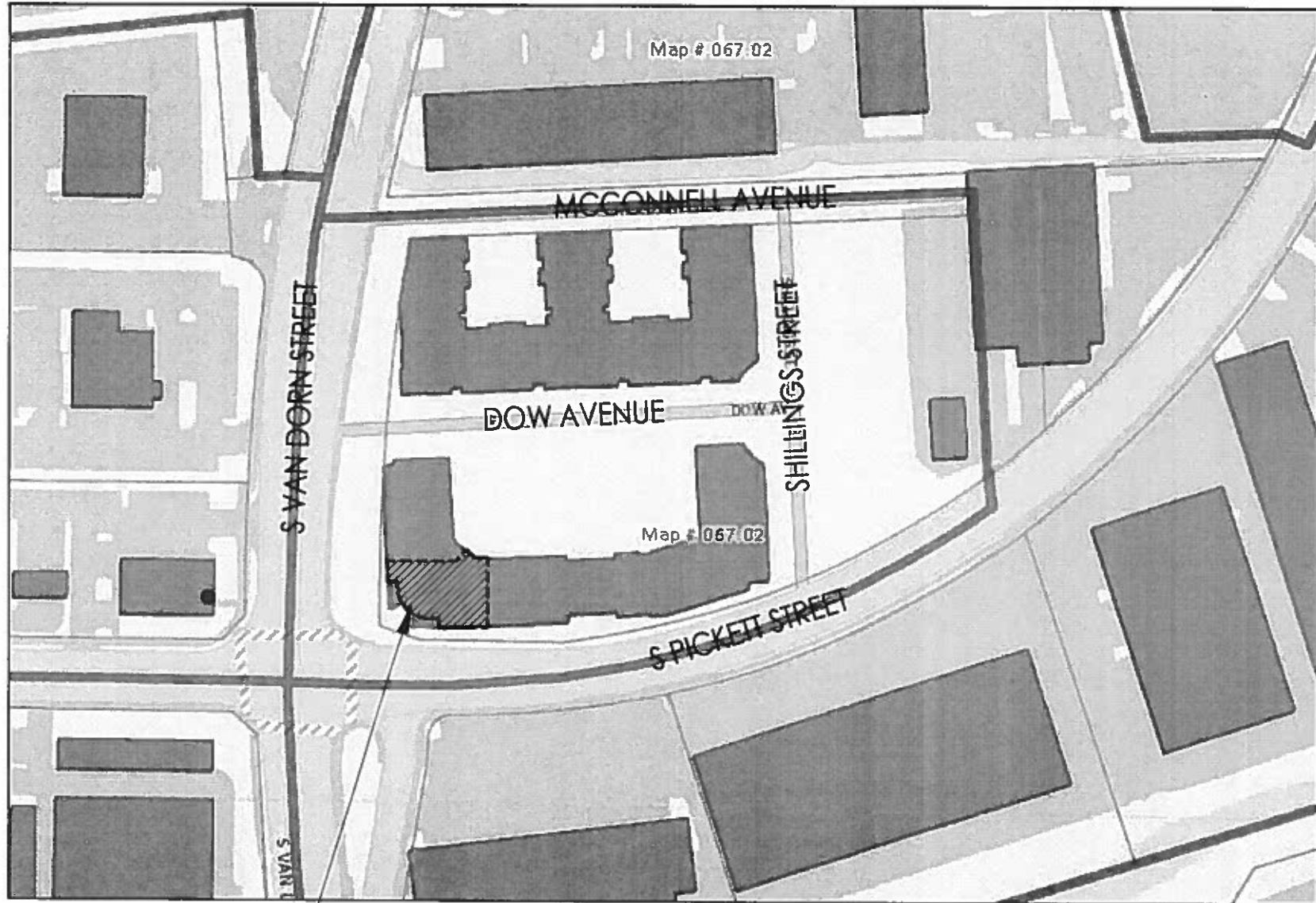
☐ Yes. ☒ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

SITE MAP

SUP2016-0051



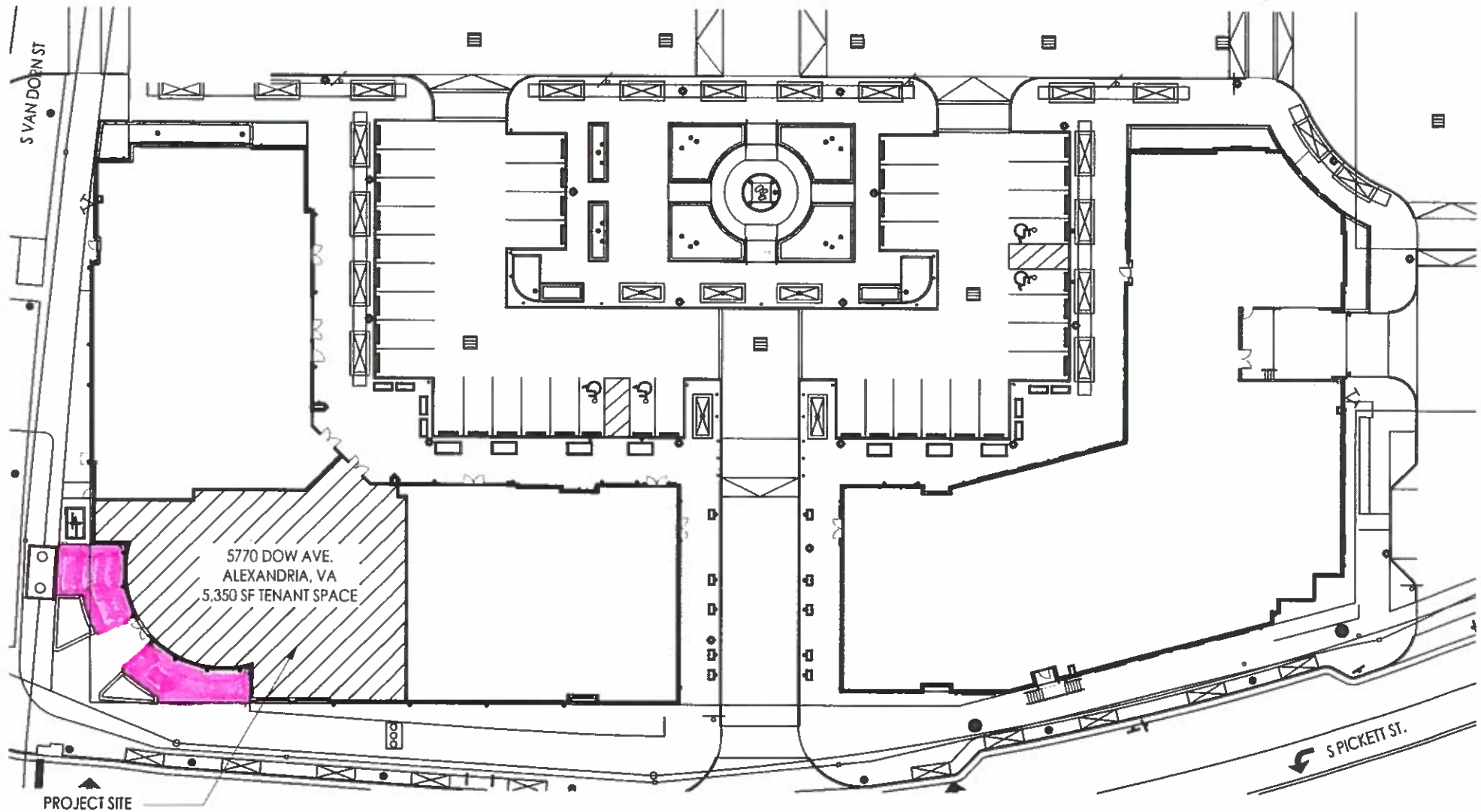
SITE

NORTH



N.T.S.

SITE PLAN



(1535-SITEPLAN-A)

(1535-7425/05/0000-0000\$05.00/0)



EXHIBIT A

Examples of Growlers

Definition – A growler is a reusable vessel typically made of glass, stainless steel or ceramic in volumes up to 64oz that is filled with draft beer from a restaurant or brewery, sealed and labeled for consumption by the customer at home only, never on-premises.



GLASS



STAINLESS STEEL



CERAMIC

Mitigation Strategies

1. Provide detailed parking information on company website and social media channels to inform patrons of all parking options on-site, off-site and on-street for those driving a vehicle and encourage carpooling to reduce vehicle numbers.
2. Strongly encourage the use of easily accessible public transportation (i.e. Van Dorn Metro, Buses) and ride share options (i.e Uber, Lyft)
3. Strongly encourage transportation by foot or bike. Modera Tempo residents will walk from their apartments downstairs and those living in surrounding developments are close enough to walk or bike such as Cameron Station. Offer occasional dining discounts for those utilizing alternate transportation methods.
4. Promote later use of outdoor dining availability (after 3 pm) as most co-tenants volume business takes places at other times of the day (Starbucks – morning, Jimmie Johns & Smashburger – lunch, Dentist – 9am – 5pm). Portner Brewhouse customer volume highest after 3pm for post-work and dinner customers.
5. Work in conjunction with property management company to enforce time limits on marked on-site parking spaces closest to retailers (either 2 hour or 20 minute limits) and promote turnover.

Ann Horowitz

From: Catherine <catherine@portnerbrewhouse.com>
Sent: Tuesday, August 23, 2016 5:40 PM
To: Shaun Smith
Cc: margaret@portnerbrewhouse.com; Ann Horowitz
Subject: Re: Parking Reduction

REVISED

*for PARKING MANAGEMENT
STRATEGY*

Hi Shaun,

For employees to access and utilize parking in the garage the following will be implemented:

The company will lease a minimum of 8 retail employee parking spaces at a monthly rate of \$75/space (Total \$600/month; \$7,200/year). This is payable monthly to the residential leasing office. One key fob (keycard) and hang tag for the rear view mirror is issued per parking space.

Key fobs will be maintained at Portner Brewhouse and an employee will retrieve and sign-out for a hang tag and key fob from the host stand then park their vehicle in the garage (no key fob is required to exit the garage). Parking priority is based on whether a space is available, employees are to first utilize the monthly parking spaces. Key fob and hang tag will be returned to the Portner Brewhouse host stand before vehicle leaves the property.

If all monthly parking spaces are utilized by other employees and another employee wishes to park in the garage, he/she may take advantage of daily parking in the garage (\$5/day). The employee will then need to visit the residential leasing office and request a day pass in exchange for paying the daily fee. Pass will be provided and displayed in their vehicle. Key fobs will be available at Portner Brewhouse host stand for access to garage.

All the best,
Catherine

On Tue, Aug 23, 2016 at 4:41 PM, Shaun Smith <Shaun.Smith@alexandriava.gov> wrote:

Hi Catherine:

Thanks for giving me a call so we could discuss modifications to the parking reduction request. Also, to accompany the parking reduction request, could you send me and Ann a brief narrative of how the employees would utilize the parking within the garage; providing a brief explanation of the contract with you and Modera Tempo for eight parking spaces, the opportunity for employees to obtain a daily rate parking permit, and how they would access the garage?

Thanks,

Shaun

Ann Horowitz

From: Catherine <catherine@portnerbrewhouse.com>
Sent: Tuesday, August 23, 2016 11:10 AM
To: Ann Horowitz
Cc: Margaret Portner
Subject: Amendment to Parking Reduction Request - SUP-2016-0051

REVISED
for PARKING MANAGEMENT STRATEGY

Hi Ann,

Since submitting our SUP Application and Parking Reduction Request, we have identified up to 20 parking spaces in the on-site garage for employee parking use:

10 spaces are reserved for retail employee parking only (\$75/monthly lease)

10 spaces are reserved for guest and daily employee parking (\$5/day)

The company will lease a minimum eight (8) of the reserved retail employee parking year-round to guarantee this parking availability for our staff and thus would like to change the number of parking reduction spaces from fourteen (14) to six (6) for consideration by Planning & Zoning and City Council.

Additionally, when outdoor seating is not in use, we kindly request that up to ten (10) of the outdoor seats be permitted for use indoors.

All the best,
Catherine

--

Catherine Portner
President & Co-Founder
Portner Brewhouse
5770 Dow Avenue
Alexandria, VA 22304
catherine@portnerbrewhouse.com
Phone: (703) 646-0466



REVISED

Re: Underground Garage Parking at Modera Tempo Apartments

To whom it may concern:

There are presently 10 available parking spaces reserved for retail tenant use available at a monthly rate of \$75/month. Additionally, 10 parking spaces are reserved for guest parking and also may be used for retail employee parking at a rate of \$5/day.

Remaining parking spaces in the underground garage are assigned to individual residential tenants.

Sincerely,

Modera Tempo



5760 Dow Avenue, Alexandria, Virginia 22304 p 703.997.4700 f 571.223.5231 w ModeraTempo.com

MILL CREEK A MA Crock Residential Community