

Kim Dobbin

From: William Cook
Sent: Wednesday, March 29, 2017 4:01 PM
To: Kim Dobbin
Subject: FW: Whole Foods Special Use Permit #2017-0018

Follow Up Flag: Follow up
Flag Status: Flagged

From: Emma Hom [<mailto:nycehom@gmail.com>]
Sent: Tuesday, March 28, 2017 10:40 PM
To: Robert Kerns; Gary Wagner; William Cook
Subject: Whole Foods Special Use Permit #2017-0018

I have read their proposed modification and don't have any concerns with the interior changes but I do have a problem with their proposed closing times. I live above Whole Foods and when customer or workers talk outside their store, it echos and they might as well be in my living room.

I prefer they live the hours as is. With the increase of alcohol consumption, I am sure there will be much more noise outside the building and some people enjoy sleeping. Their employees empty ice from their steel bins on the street in the middle of the night (4AM) and it's hard enough to stop them from doing that.

Thanks for listening.

Emma Hom

DSUP2017-0001
Additional Materials
4/3/17

Whole Foods Special Use Permit #2017-0018

expoke@yahoo.com

Sun 4/2/2017 12:09 PM

To: PlanComm <PlanComm@alexandriava.gov>; Robert Kerns <robert.kerns@alexandriava.gov>; Gary Wagner <Gary.Wagner@alexandriava.gov>; William Cook <william.cook@alexandriava.gov>;

To Whom It May Concern,

I have read the referenced proposal and have no concerns with it, including the proposed hours, provided alcohol is not allowed outdoors.

Like others, I also live above Whole Foods at The Royalton, however I have never in years heard or been disturbed in the least by any noise emanating from Whole Foods. In my experience, Whole Foods has demonstrated themselves to be quiet and respectful neighbors. Ironically, loud music, cursing, and littering from balconies onto sidewalks below coming from fellow tenants' parties at The Royalton, coupled with the indifference to this activity by prior Royalton management, has been the greater nuisance in my experience.

Regards,
T. Price

Agnes Muszynska
309 Holland Lane, Unit 109
Alexandria, VA 22314

April 2, 2017

Alexandria Planning and Zoning Commission
Alexandria City Hall
301 King St #2100
Alexandria, VA 22314

RE: April 6 Meeting **Docket Item # 7 (Development Special Use Permit #2017-0001 Special Use Permit #2017-0018; 1700 Duke Street; Whole Foods Market)**

Dear Planning and Zoning Commissioners:

Thank you for the opportunity to provide written comments on the above Docket Item # 7. I am writing as an original owner of one of the Royalton Condominium units, located right above the Whole Foods Market. My unit faces Georges Lane and the Society for Human Resource Management (SHRM) office building, and is in close proximity to the loading dock vehicular exit onto Georges Lane. Therefore, my concerns with the proposed project are largely (although not exclusively) related to potential impacts of after-hours noise in the loading dock; specifically, construction activities for the pub (e.g. delivery of materials, staging, assembly, etc.) and extensions to vendor delivery hours. Below you will find some clarification questions from my reading of the proposal, which I anticipate will be fleshed out during the hearing. Following these items are my key concerns, which I sincerely hope will warrant some consideration from the Commission.

Clarification items

1. Will alcohol be allowed at the outside tables in open cups/glasses? What is the latest time that alcohol can be served in the outdoor seating area?
2. Do the proposed changes in hours apply to the grocery store as a whole, or only the new pub? Are the outdoor seats also subject to revised hours?
3. Is the pub going to be "carved out" of the store as a self-contained, enclosed unit or more of an open-concept plan that blends into the rest of the store?
4. Currently, the only entry/exit door from Duke Street into Whole Foods Market is the main door to the store itself. Does the project envision adding a separate door exclusively for the pub? It is unclear how the new pub will "connect" with the 20-seat outdoor spaces, as stated in the proposal, except through the existing store entrance.
5. Which similar development in the Carlyle area or nearby serves as a successful model for this project, preferably in the context of a mixed-use development (where residents live above outdoor tables where alcohol is served past 10:00 pm)?

Key Concerns

1. **Loading dock vendor delivery hours during the week.** The current posted sign in the loading dock (titled "Delivery Rules") states that deliveries are only permitted between the hours of 7:00 am and 9:00 pm on weekdays, and 9:00 am to 9:00 pm on weekends. This ensures that all noise in the loading dock ceases by 10:00 pm, which is crucial given the design of the loading dock (with openings on both ends and the southern side) and the easy transmission of sound to the residential units above during quiet hours (this includes truck air brakes, continuous beeps while pulling into a loading space, sound of running engines, employees yelling to each other across the loading dock, etc.). I am very concerned about any proposed extensions to the delivery hours given how many noise

complaints I, and other residents, have made to date for transgressions to quiet hours (those posted on the loading dock wall) by Whole Foods vendors arriving outside the delivery window parameters. For a considerable time, in fact, Whole Foods Management (not current but former) had refused to even accept responsibility for its vendors adhering to its own delivery rules. Fortunately, the situation has improved over time and, for the most part, the current vendors/truck drivers “know the drill” and they obey the hours. I believe the current hours should be maintained without any changes. There is a need to balance Whole Foods business’ needs with the needs of residents to get restful sleep and to function at work. This is a mixed-use building where the sleeping quarters are in close proximity to a loading dock that was not designed to withstand very late deliveries without disproportionately adverse effects on residents. The current balance works and should be maintained. If the addition of a pub increases the raw number of deliveries needed to service it, then Whole Foods should work with those suppliers to ensure those deliveries happen within the available window (there are few concentrated “peak periods”, where there is an overflow of trucks trying to access the two available bays, and many “non-peak” periods where additional deliveries can be accommodated when both bays are empty).

2. **Maintenance of “quiet hours” in the loading dock during pub construction.** The interior renovations for the pub will most likely take place while the store is closed and void of customers. Consistent with many prior experiences, this strongly suggests that the delivery of construction materials for the pub build-out will take place beyond the normal delivery hours (after 9:00 pm) and may produce excessive noise in the loading dock while residents are trying to sleep. It should be noted that face-to-face input from Whole Foods Market representatives is included in the Condo Board’s Monthly Meeting Agenda, and has been included for the past several years (whether or not their staff chooses to attend, they are always welcome). In this capacity, Whole Foods Market has a direct line of communication to the Board of Directors, the Building Manager, and residents on a monthly basis, as well as informal communications with the Building Manager in a variety of matters. Therefore, Whole Foods should communicate the construction plan (including any after hours deliveries and potential noise) to residents in a timely manner, so that expectations are set.

Whole Foods and its vendors should be familiar with, and comply with, the City’s Noise Ordinance and to obtain a formal variance if they anticipate not being able to meet the requirements of the Noise Ordinance. Last December 7, 2016, residents received a same-day (not advanced) notice from our Building Manager that Whole Foods would be changing out its retail and freezer display units between the hours of 10:30 pm and 7:00 am for two straight nights, and that potential noise was expected. As it turned out, the disruption was severe, and Whole Foods did not pre-emptively receive a variance from the City before it allowed a vendor to make noise in the loading dock all night. They received one after the fact and due to a noise complaint filed with the City. I worked with Ms. Lisa Goldberg of T & ES to ensure this incident would not reoccur and that Whole Foods would be more sensitive to the City’s rules and the rights of residents protected by the Noise Ordinance. This is one of several such examples. Given the frequent turnover in Whole Foods Management, I believe this reminder should be put in writing as a condition of this DSUP amendment to sensitize Whole Foods to the fact that they are not operating a store in the suburbs, but rather in the context of a mixed-use building shared with condominium residents. It seems that any “work” that needs to be performed at the store is performed well after the store is closed, and the repercussions fall on the residents when the noise in the loading dock disturbs their sleep. The loading dock often becomes a “workshop” of sorts where materials are not only delivered, but assembled, with the concurrent banging, drilling, dropping of large items on the concrete floor, etc. in the middle of the night. This is not an optimal outcome and can be avoided with proper planning, proactive communication, and the granting of a variance when necessary.

3. **Cleanliness/trash around the outdoor tables.** There are existing deficiencies in the cleanliness in the outdoor area, particularly where trash is allowed to overfill the garbage cans, or where napkins, utensils, and other rubbish are found on the floor around the existing tables. Multiple complaints and reminders have already been made in this regard to Whole Foods (particularly with respect to the trash can on Holland Lane near the Duke Street intersection, over which Whole Foods has responsibility). Given the impact of a growth in the volume of food and drinks potentially being consumed outside, higher expectations for diligence in ensuring that the area is clean should be explicitly made. The area should be monitored throughout the day, especially at peak periods, and cleaned at least once or twice daily (or more if the situation warrants it).

In closing, for your consideration, I believe that it would be a sound idea to make the granting of these proposals conditional on an annual "revisit" to ensure no major violations in the site permit have been brought to the City in the interim.

I thank you kindly in advance for your time, consideration of this letter, and valued service to the Alexandria community.

Best Regards,



Agnes Muszynska

Meeting 04/06/2017 DSUP 2017-0001 and SUP 2017-0018

Neil Murphy <309holland@gmail.com>

Mon 4/3/2017 11:48 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Hello.

I am inquiring about the Wholefoods request to alter the original DSUP 2002-0009.

You are aware that above the Wholefoods there are residential units at the site? When this building was proposed in 2002 it was the first of its kind and the people at Planning and Zoning later said that they did not fully understand what was required as they had no prior experience with mixed-use projects. The requirements for noise restriction and sound reduction were far too few. The loading area was far too small. In fact, they later admitted to the oversight of neglecting the loading dock altogether when they did their original sound study. Ex: They tested for "street noise" at the corner of Duke and Holland, but completely overlooked the fact that there would be tractor trailers pulling in all day every day at the back of the building, or that these vehicles would be running engines and refrigeration units UNDER THE BUILDING and that the noise has no where to go as it bounces off the Burke & Herbert and SHRM buildings. Overlooking the residents living at this site is something that should not be repeated.

As a property owner who lives at this location since 2006, I have had the opportunity to observe the property for the past ten years. While on many days "all is well", on other days there could be several illegally parked unloading trucks and tractor trailers - not to mention some of these may leave their engines on in violation of the Department of Environmental Quality's rules on idling for more than 10 minutes. Sometimes the engines stay on from when the trucks park in the fire lane to when they finally pull away. When asked, one is told to "call the non-emergency number". When tractor trailers show up at 5am - "call the non-emergency number" When one cannot squeeze one's car out onto Georges Lane safely as there are too many trucks parked around - "call the non-emergency number". In other words, the site can be extremely busy at times, and any negative results from any "overflow" and "extra business" can be passed on to the residents. There are posted signs that remind drivers to shut off engines and refrigeration units on arrival, but when these are overlooked, the residents suffer.

As things stand, there are 116 residential units above the Whole Foods, and they have to sleep sometime. Extending the hours of the grocery store may not improve the quality of life for those whose windows are mere feet away.

You may recall the error from the original DSUP where it was stated there were THREE loading docks for the grocery store "as designed". There are, in fact, but TWO. The third is for the Residential unit. Thus the number of perceived vehicles being able to load/unload at any particular time can be no more than TWO unless one is willing to improvise and seek other places to accept deliveries - usually the fire lanes - the street - the drive aisle - etc. Unloading in a fire lane is a hazzard for both the one doing the unloading and the person trying to merely get by. When the rear of the building is under supervision, the number of issues is greatly reduced. Unfortunately, when it is not monitored, one can imagine the results. Years ago Wholefoods did meet with the City and agree to have a "Porter" out during morning delivery hours to aid in monitoring deliveries, but that program appears to have ended many years ago.

When residents first began voicing their concerns in 2006/2007, they told that the store had become incredibly successful - that they had more business than they originally anticipated. This is of course a wonderful thing, but there are unintended and usually overlooked consequences for those who live above. We were told in 2007 that Wholefoods was a "Victim of their own Success". Please do not make the residents who live above the Victims of The Victims of their own Success. Please remember that there are residents living OVER the Wholefoods and consider that extended hours of operation and additional construction may not bode well for them - especially as the knowledge and understanding of noise reduction was greatly limited from lack of experience in 2002.

One last thing. In the past there have been residential complaints about noises coming from nighttime construction, as this is the time most people sleep but also the time that the store is not open for business and is able to get "work done". If construction is to be done for the proposed "new and improved" restaurant, when will this work be done? During quiet hours of 11pm-7am? When the store is open? Did the possibility that there might be conflicting issues with sleeping residents enter the discussion? I recall a time when work was being done inside the store and the rear "gates" at the loading dock were left open throught the night. Extremely noisy. When asked, those during the construction said they had no idea that people were living directly over the building.

More care should be taken to consider the rights of all of those who share the property. We understand that this is a mixed use project and that there are extended hours, etc, but likewise the converse is also true - this is not a store situated in the middle of a parking lot in a commercial district. There are residential units sitting

mere feet away, and these residents have rights like any other citizen. Compromise is a two way street. I hope that a middle ground can be found that respects the rights of everyone.

Thank you,
Neil Murphy :)

Dear Commissioners:

I am writing as an owner/resident of The Royalton Condominium. This residential community is co-located with the Whole Foods Market. As an owner, I had to agree to a number of contractual conditions related to this mixed-use building.

My experience with Whole Foods Market as the renter of the commercial space has been a challenging one. On a number of occasions, I have had concerns over conditions in and about the building as a result of Whole Foods' operations. For example, I have brought it to the attention of Whole Foods Management on a number of occasions that vehicles making deliveries to the business have blocked fire lanes, idled engines for extended periods, and even engaged the Alexandria Police to restrict access to my home in periods of increased activity (e.g., major holidays such as Thanksgiving and Christmas). Additionally, I have also shared my concerns with Whole Foods Management concerning the accumulation of trash and the servicing of the trash can outside of Whole Foods.

When I have shared these concerns with Whole Foods Management, they have established the position that the Alexandria Police and delivery vehicle operators are independent operators and that they (Whole Foods) are not responsible for their operations and actions. This is especially concerning since for two reasons:

It appears to be the position of Whole Foods that they are not responsible or accountable for activity impacting the community that is a direct result of their operations.

The Alexandria Police, who in theory, are responsible for policing these violations of safety laws have been effectively made sub-contractors to Whole Foods and, therefore, have a clear conflict of interest in terms of Whole Foods operations.

Subsequently, I feel that Whole Foods has not operated as a responsible member of our mixed-use development, which is shared with our residents. So, I think it is inappropriate to entrust them with additional responsibilities associated with Permits #2017-001 and #2017-0018.

Specifically, I do not believe Whole Foods has demonstrated an interest or ability to address additional responsibilities associated with increased traffic and refuse generation that can be expected to result from operations associated with the permits in question.

Thank you for your consideration of my concerns.

Best regards,

L.I. Charters