



***Development Special Use Permit #2017-0001
Special Use Permit #2017-0018
1700 Duke Street - Whole Foods Market***

Application	General Data	
Public hearing and consideration of requests for: (A) a Development Special Use Permit to remove conditions from a previously approved DSUP (#2003-0029) associated with restaurant use in the grocery store; and (B) for a Special Use Permit for the restaurant use associated with the grocery store	PC Hearing:	April 6, 2017
	CC Hearing:	April 22, 2017
Address: 1700 Duke Street	Zone:	CDD #1/Coordinated Development District #1
Applicant: Whole Foods Market, Inc.	Small Area Plan:	Eisenhower East Small Area Plan

Purpose of Application
The applicant requests approval of an amendment to an existing Development Special Use Permit to remove conditions associated with an accessory restaurant use and outdoor dining in a grocery store.
Application and Modifications Requested:
1. Modification of existing Development Special Use Permit. 2. Special Use Permit for an accessory restaurant use.

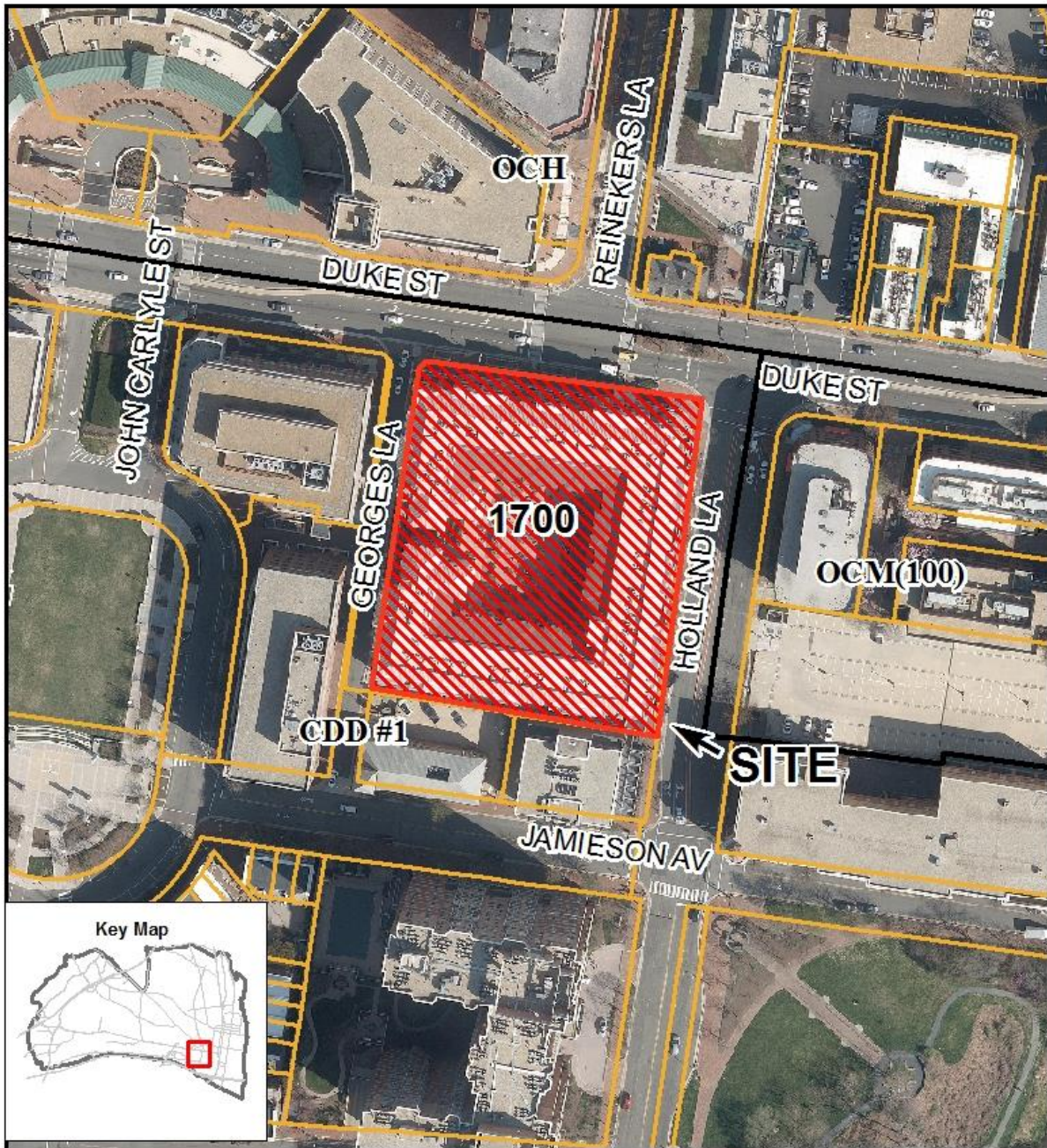
Staff Recommendation: APPROVAL WITH CONDITIONS
Staff Reviewers: Robert M. Kerns, AICP, Chief of Development robert.kerns@alexandriava.gov Gary Wagner, Principal Planner gary.wagner@alexandriava.gov Bill Cook, Urban Planner william.cook@alexandriava.gov

<p><u>PLANNING COMMISSION ACTION, APRIL 6, 2017:</u> On a motion by Vice Chairman Macek, seconded by Commissioner Lyle, the Planning Commission voted to <u>recommend approval</u> of Development Special Use Permit #2017-0001 and Special Use Permit #2017-0018, subject to compliance with all applicable codes, ordinances and staff recommendations, with an amendment to SUP Condition #6 to clarify that in no event shall the restaurant operations close later than the grocery store. The motion carried on a vote of 7-0.</p> <p><u>Reason:</u> The Planning Commission agreed with staff analysis.</p>

Public Speakers:

Lee Hernley of the Carlyle Community Council spoke of ongoing concerns from neighbors about noise at night, traffic around the loading area, early morning truck activity and noise, and other issues.

Cathy Puskar, representing the applicant, spoke in support of the application and clarified the store hours. She also restated that the store has in the past coordinated with building management and the condominium association to address resident concerns and would continue those efforts.



Development Special Use Permit #2017-0001
Special Use Permit #2017-0018
1700 Duke Street



I. SUMMARY

The applicant, Whole Foods Market, Inc., requests an amendment to previously approved Development Special Use Permit DSUP#2003-0029 to remove conditions associated with the accessory restaurant use in the grocery store, and establish a separate Special Use Permit for the restaurant use and its proposed expansion.

The project involves interior renovations to the existing store which would reconfigure and increase the interior seating for the restaurant operation and include provisions for on-premises alcohol sales. There are no changes proposed for the existing outdoor dining.

SITE DESCRIPTION

The existing site is a 1.65 acre property at the intersection of Duke Street and Holland Lane with a mixed-use four-level building containing of a 43,342 sq.ft. grocery store and 116 condominium units. The original development special use permit (DSUP#2002-0009) was approved in September, 2002, and subsequently amended in November, 2003 to increase the number of condominium units from 114 to 116 (DSUP#2003-0029). Construction and buildout of the project commenced in 2006.

The Staff Report for DSUP#2003-0029 is attached for reference.

The subject property is surrounded by a combination of retail, residential and primarily office uses. The uses to the north of the site include King Street Station, the historic Hooff House and Table Talk restaurant. The office buildings to the east are the National School Board Association building and a self-storage building. To the south is the African-American Heritage Park, the Burke & Herbert Bank building and the Meridian Apartments. To the west are the Society for Human Resources Management building and other office buildings. The proposed development is within close proximity of the King Street metro. The zoning surrounding the site is a mix of high density commercial zones- OCH, OCM 100 and CDD-1 (Carlyle).

At the Planning Commission public hearing, staff summarized a history of complaints reported to the city primarily between 2006 and 2012. These pertained to the Whole Foods store operation with the primary issues of concern being delivery backups at the loading docks and associated noise, blocking of fire lanes, other noise from equipment or construction activity, and deliveries outside of the posted hours. Signs posted within the loading area indicate delivery hours are 7 a.m. to 9 p.m. Monday through Friday, and 9 a.m. to 9 p.m. Saturday and Sunday. The signs also stipulate that trash removal before the delivery hours is not permitted, vehicle motors must be turned off while unloading, and no idling is permitted on Georges Lane.

Subsequent to the Planning Commission public hearing staff was made aware of additional complaints which had not been found in available data. Staff is currently continuing to gather additional information.

PROPOSAL

The applicant, Whole Foods Market, Inc., proposes to increase the number of seats in the restaurant portion of its establishment. In doing so, it requests an amendment to Development Special Use Permit #2003-0029 to remove Condition 23 pertaining to restaurant (“café”) operations in the existing grocery store. As part of the amendment, all conditions applying to the restaurant operations will be contained in this new, separate Special Use Permit.

The applicant proposes to reconfigure the existing indoor seating areas to create an additional 43 seats in the northeast corner of the building adjacent to the existing outdoor seating area. This area would become a “pub” area where customers could bring purchased prepared food and drinks from within the store for consumption or order food and drinks from wait staff. Within the “pub” area the applicant proposes to have on-premises sales of beer and wine, growlers for purchase and refill, and mixed-drinks, subject to approval from the Virginia Department of Alcoholic Beverage Control.

There are no changes to the building footprint, parking, or outdoor seating. All proposed physical changes are within the existing building. Two floor plans are included with the application submission, show the existing and proposed floor plans as well as the locations of the seating areas.

Details of the applicant’s existing operation and proposal for the restaurant use within the existing grocery store are as follows.

Hours of Operation:

Existing DSUP Café Hours:

7 a.m. – 10 p.m. Sunday-Thursday

7 a.m. – 11 p.m. Friday-Saturday

Proposed SUP Cafe Hours:

7 a.m. – 11 p.m. Sunday-Thursday

7 a.m. – 12 midnight Friday-Saturday

Number of Seats:

Existing:

12 bar seats

76 café seats

20 outdoor seats

108 total seats

Proposed:

55 bar seats

76 café seats

20 outdoor seats

151 total seats

Type of Service:

Existing:

Dining areas for consumption of food purchased on-site.

Proposed:

Table, bar, and carry-out service.

Alcohol Sales:

Existing:

Wine and beer on and off premises (license)

Proposed:

Wine and beer on and off premises, to include growlers for purchase/refill, and mixed-drinks on-premises.

Delivery:

No delivery service of prepared food to customers.

Live Entertainment:

No live entertainment is requested.

PARKING

The parking for the retail use and condominiums is located in three levels of underground parking accessed from an internal garage entrance via Holland Lane and Georges Lane. There is a limited number of surface parking (18 spaces), and a loading area that is enclosed on the southern portion of the building. The parking for the condominiums has controlled access.

The King Street Transit Parking District requires one parking space per 500 square feet of retail space. The existing retail use requires 87 parking spaces. The requirement for the restaurant use in the district is one parking space per 10 seats, which would require 16 spaces for that use, for a total requirement of 103 spaces.

The original approved site plan provided more non-residential parking spaces than are required by the Zoning Ordinance. 257 spaces are currently provided for this retail and restaurant use. This project complies with parking requirements.

ZONING/MASTER PLAN DESIGNATION

The site is zoned CDD-1, which allows a density of up to 2.62 FAR with a CDD approval consistent with the guidelines for the Duke Street CDD. CDD-1 includes the Carlyle development, but this site is not within the boundaries of the Carlyle development. The site is located within the Eisenhower East Small Area Plan and is used for retail and residential use. No changes to density or bulk are proposed through this project, and it would continue to comply with zoning approvals.

II. STAFF ANALYSIS

Staff recommends approval of the applicant's request to amend DSUP #2003-0029 to remove the conditions relating to the café and dining operations found in Condition 23, and establish this separate SUP for the indoor and outdoor dining operations. Staff supports the expansion of the restaurant use to include additional seating, revised hours, and alcohol service subject to Virginia Alcoholic Beverage Control licensing requirements.

Staff does not anticipate neighborhood impacts as the request represents a modest expansion of the existing use. This expanded seating area will enhance the sense of community often

generated from convenient dining establishments. The outdoor seating area is not to expand, and the proposed hours for the indoor and outdoor dining are consistent with adjacent restaurants in the Carlyle neighborhood. The property has a surplus of parking allocated for retail use thus staff does not expect parking impacts beyond the site.

III. RECOMMENDED CONDITIONS – DSUP#2017-0001

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

The following conditions have been carried forward from DSUP #2003-0029, which are now part of DSUP #2017-0001. Condition #23 is the only condition that has been removed from DSUP #2003-0029 and transferred to SUP #2017-0018.

1. The building design and materials shall be revised to the satisfaction of the Director of P&Z to provide the following.
 - a. The base of the building (retail) shall be pre-case, the building shall provide a continuous lighter color brick frieze around top of the entire building, the building shall provide a pre-cast or comparable material corner treatment and the general level of architectural detail, design and quality as depicted in *Attachment #1*.
 - b. A standing seam metal roof for the entire building. The color of the roof shall be compatible with the colors of the building.
 - c. The materials of the entire building visible from the public right-way other than the screening for the mechanical equipment shall be entirely masonry (brick, precast, stone).
 - d. The balconies shall be constructed of high quality materials comparable to the materials for the primary building facade. The balconies shall not project beyond the plane of the building.
 - e. Through-the-wall HVAC vent grills shall not face Holland Lane and Duke Street. All vents shall be designed with high quality grill work and of a color to compliment the materials of the building.
 - f. The entrance canopies shall be a high quality metal such as stainless steel or aluminum canopies as generally depicted on the preliminary plans. Canopies shall be provided at each pavilion entrance. Any subsequent encroachment of the canopies more than four feet beyond the property line shall require a subsequent encroachment approval.
 - g. The projections of the center pavilions and corner element shall have masonry returns.
 - h. At large storefronts, provide visual means of support for the masonry above, through the use of pilasters or by extending the masonry. Where large expanses of glass are below masonry but in a different plane, provide visual means of support for the masonry above (visible through the glass)
 - i. The retail base shall provide low-level lighting as an integral part of the facade design to add nighttime visual interest to the buildings. Accent lighting is encouraged.

- j. The applicant shall provide larger scale drawings to evaluate the balcony projections, balcony rails, cornice brackets, entrance canopies and sign bands and that the final detailing, finish and color of these elements is critical and must be studied in context with the overall building. These detail elements shall be submitted prior to review by the Carlyle Design Review Board.
 - k. Architectural elevations shall be submitted with the final site plan. Each elevation shall indicate the average finished grade line to ensure compliance with all applicable height requirements.
 - l. Once the conditions above have been addressed to the satisfaction of the Director of P&Z, and the with the second final site plan the applicant may begin concurrent review of the site plan and building permits. (City Council)
2. The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and approved by the Carlyle Design Review Board and such approval process shall be completed by October 4, 2002, and if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning. (City Council)
3. The colors and materials of the retail tenant signs shall be designed of high quality materials and shall be designed as an integral part of the building that shall relate in materials, color and scale to the remainder of the building as generally depicted in the preliminary plan to the satisfaction of the Director of P&Z.
 - a. Sign messages shall be limited to logos, names and street address information.
 - b. Illuminated or non-illuminated parapet signs or wall signs above the first level for retail and/or residential uses are prohibited.
 - c. Signs applied to storefront windows shall cover no more than twenty percent of the glass.
 - d. Individual channel letters shall be provided for the canopy sign on the corner of Duke Street and Holland Lane and other signs for the building.
 - e. Box signs shall be prohibited.
 - f. Any exterior decorative exterior banners and the proposed mural on Duke Street shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
 - g. Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located adjacent to the retail windows. Tables and other active uses adjacent to the window are encouraged.
 - h. Freestanding signs other than traffic/directional signs shall be prohibited. (P&Z)
4. The applicant shall contribute \$80,000 to the East Eisenhower Open Space Fund. This contribution shall be made prior to release of the final site plan. (P&Z)
5. The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following:

- a. All sidewalks for the development shall be brick and shall comply with City standards.
 - b. A minimum unobstructed sidewalk on Duke Street of 20.5 feet. and 15 feet on Holland Lane (excluding the 2 ft. projection of the pavilions). The retail storefront bays shall be setback to provide the minimum sidewalk widths.
 - c. The brick sidewalks shall continue over the proposed curb cut on Holland Lane and the curb cut on Georges Lane to provide a continuous uninterrupted brick sidewalk designed to the satisfaction of the Directors of P&Z and T&ES.
 - d. The applicant shall provide four (4) City standard street cans (2 per block face), to the satisfaction of the Director of T&ES prior to issuance of a certificate of occupancy permit.
 - e. The applicant shall provide, install and maintain a minimum of two (2) public benches for each street frontage to the satisfaction of the Director of P&Z. The details of bench shall be consistent with the Carlyle design guidelines.
 - f. The applicant shall provide brick paver or streetprint pavers or comparable for the pedestrian crossings and pedestrian count down signals at the intersection of Duke Street and Holland Lane and Duke Street as generally depicted on the preliminary plans.
 - g. The applicant shall provide brick paver or streetprint pavers crosswalks for the Reinekers Lane and Duke Street intersection.
 - h. The applicant shall provide and install "Gadsby" street lights for Duke Street and single acorn luminaire street lights on Holland Lane consistent with the Carlyle Design standards.
 - i. The applicant shall construct a 10 ft. wide temporary asphalt sidewalk within the public right-of-way that extends from the southern portion of the site to Jamieson Avenue or contribute a monetary amount to enable the City to install the interim sidewalk.
 - j. All streetscape improvements shall be completed prior to the issuance of a certificate of occupancy permit. (P&Z) (T&ES)
6. A perpetual public ingress/egress easement shall be granted for public pedestrian access for Duke Street and Holland Lane sidewalks not located within the public right-of-way. All easements and reservations shall be depicted on the subdivision plat and shall be approved by the City Attorney prior to the release of the final site plan. (P&Z)
 7. The vents for the parking garage shall not exhaust onto sidewalks at the pedestrian level. The applicant shall provide a 6 ft. tall decorative brick screening wall for the garage vent on Holland Lane and Georges Lane. Landscaping shall be provided between the brick screening wall and the sidewalk on Holland Lane. (P&Z)
 8. The landscaping shall consist of the level of landscaping providing on the preliminary landscape plan and shall also include the following to the satisfaction of the Director of P&Z:

- a. The street trees on Duke Street shall be Red Maple.
 - b. The street trees on Holland lane shall be Willow Oak.
 - c. All street trees shall be planted in a continuous planting trough with aeration, drainage and irrigation systems. The trough shall be large enough to provide sufficient arable soil volume to support adequate moisture for the tree. A planting trough for a single tree shall contain a minimum of 300 cubic feet of soil. Troughs shall be a minimum of thirty inches deep and six feet wide from the face of curb.
 - d. An automatic irrigation system shall be provided for the tree troughs.
 - e. Drainage of the tree troughs shall be to the Best Management Practice(BMP) facility.
 - f. The applicant shall provide raised landscape planters and landscaping on Duke Street between the street trees consistent with the Carlyle design guidelines.
 - g. Decorative tree grates shall be provided on Duke Street and Holland Lane consistent with the Carlyle design guidelines.
 - h. The street trees shall be a minimum of 4" caliper at the time of planting.
 - i. Low growing shade tolerant shrubs/plants shall be on eastern portion of Georges Lane.
 - j. The developer shall be responsible for the installation and maintenance of trees adjacent to the public streets. This maintenance shall include, but not be limited to, pruning, watering, pest control, and removal and replacement of street trees as necessary.
 - k. The location of all light poles shall be coordinated with the street trees.
 - l. Underground utilities and utility structures shall be located away from the proposed landscaping and street trees to the extent feasible, to minimize any impact on the root systems of the proposed landscaping, to the satisfaction of the Director of T&ES and P&Z.
 - m. The final landscape plan shall be prepared by a licensed landscape architect.
 - n. All materials specifications shall be in accordance with the industry standard for grading plant material-The American Standard for Nursery Stock (ANSI Z60.1).
 - o. All utility lines shall be located away from the proposed landscaped areas to minimize the impact upon the proposed landscaping. Any switch boxes or transformers shall be located on the final site plan to the satisfaction of the Directors of P&Z and T&ES.
 - p. The interior courtyard shall be designed to provide a focal element (such as a sculpture or water feature etc.) and amenities such as benches, special paving and landscape planters and additional landscaping to encourage its use. The planters within the courtyard shall be adequate depth to provide trees. (P&Z)
9. All existing and proposed utility poles and overhead electrical/telephone lines for the entire site shall be located underground and the cost of such undergrounding shall be the sole responsibility of the developer. The existing transformer at the intersection of Duke Street and Holland Lane shall be located within a underground parking garage or area not visible from the public right-of-way within an enclosed location to the satisfaction of the Directors of T&ES and P&Z and in accordance with the requirements of Dominion Virginia Power. (T&ES) (P&Z)

10. The entrance to the parking garage shall be redesigned and the apartment lay-by shall be eliminated as generally depicted in *Attachment # 2* to the satisfaction of the Director of T&ES. (T&ES)
11. The interior drive aisles shall maintain an unobstructed width of 22 feet (excluding columns). Provide dimension lines on the final site plan. (P&Z)
12. The applicant shall provide a parking management plan which outlines the mechanism to maximize the use of the parking structure to the satisfaction of the Director of P&Z. The site plan and building permit shall be amended to depict the revised parking garage configuration to account for the two additional residential units by re-striping the garage to accommodate the two (2) residential spaces. At a minimum the plan shall include:
 - a. No more than 154 spaces shall be allocated to residents and their visitors, including the tandem spaces. At least 15% of these spaces shall be reserved for visitor use.
 - b. All resident parking shall have controlled access.
 - c. The residential visitor spaces shall be located on the second parking level adjacent to the resident parking or on the surface at the rear of the retail. At least five (5) of the surface spaces at the rear of the retail shall be reserved for residential visitors.
 - d. The applicant shall require its employees who drive to work to use off-street parking and no employees shall park in the surface parking spaces.
 - e. Parking rates for the short-term parking within the underground parking garage shall be consistent with comparable buildings located in adjoining developments in the City of Alexandria, except that free parking may be provided for retail patrons.
 - f. Parking spaces for car pool vehicles shall be conveniently located adjacent to garage entrances and exits, and/or elevator locations.
 - g. The visitor spaces shall be clearly identified with striping and signage.
 - h. Employee parking for the retail use shall be within the underground garage.
 - i. The retail parking spaces within the lower level parking garage shall be reserved for retail patrons and shall include all applicable signage.
 - j. Parking spaces within the underground parking in excess of 1 space/250 gross square feet retail space shall be made available for short-term market-rate parking if excess parking spaces are available as demonstrated by a parking study prepared by a transportation engineer and submitted by the Whole Foods Market. The parking survey shall be submitted no later than one year from the date of certificate of occupancy permit for the retail use. Additional parking studies may be required for subsequent years if deemed necessary by the Director of Planning and Zoning.
 - k. The developer agrees to provide parking for all construction workers without charge to the workers or shall provide subsidy for the construction workers in order that they may use Metro, DASH, provide a van for van pooling, or another method of providing for construction workers to arrive at the site. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of Planning & Zoning and Transportation and Environmental Services prior to the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many

- spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, car pooling, vanpooling, and other similar efforts. The plan shall also provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and car pooling and vanpooling information. If the plan is found to be violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (City Council)
13. Any use other than the grocery store and condominiums as represented in the preliminary plans shall require a major amendment to the special use permit amendment. A copy of the cover sheet and signatures of the lease agreement with the grocery store shall be submitted prior to release of the building permit. (P&Z)
 14. The applicant shall present a disclosure statement to condominium owners signed prior to signing any contract of purchase. The statement shall disclose the following:
 - a. That first floor retail grocery store and outdoor tables will generate noise and truck traffic on the public and internal streets surrounding the project and the retail use will have extended hours of operation. The specific language of the disclosure statement to be utilized shall be provided to the City for approval by the Director of P&Z and City Attorney, prior to release of any CO for residential units. (P&Z)
 15. A temporary informational sign shall be installed by the applicant on the site prior to the approval of the building permit for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions about the project. (P&Z)
 16. The applicant shall submit final plats of subdivision, and dedication that shall be approved prior by the Department of P&Z, T&ES and the City Attorney prior to release of the final site plan. (P&Z)
 17. All utility structures, including cable TV and telephone pedestals shall be located within the buildings or located below grade in vaults. No above ground utilities serving this project shall be permitted within public right-of-ways, public access easement areas or areas visible to the public. (P&Z)
 18. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z)

19. Temporary structures for construction shall be permitted and the period such structures are to remain on the site, size and site design for such structures shall be subject to the approval of the Director of P&Z. (P&Z)
20. Location surveys for the building and parking garage shall be submitted by the applicant to the Department of P&Z prior to issuance of a certificate of occupancy permit. (P&Z)
21. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit. (P&Z)
22. The applicant shall be allowed to make minor adjustments if the changes do not result in the loss of parking, landscaping or an increase in floor area ratio. (P&Z)
23. **CONDITION DELETED BY STAFF:** ~~The indoor café and outdoor dining shall be permitted with the following conditions:~~
 - a. ~~Outdoor seating is encouraged and shall be permitted. Outdoor dining operations, including employee traffic, shall not encroach upon the city right of way, without a separate encroachment approval. Outdoor dining shall be limited to the Duke Street frontage. A minimum sidewalk width of 12-14 ft. shall be maintained.~~
 - b. ~~The outdoor seating areas including umbrellas shall not include advertising signage. The design of the outdoor furniture shall be compatible with the design of the building. The seating capacity for the outdoor dining shall not exceed 20 seats. The outside dining area shall be cleaned at the close of each day of operation.~~
 - c. ~~No live entertainment is permitted inside the café or in the outdoor dining area.~~
 - d. ~~The hours during which the indoor restaurant/café is open to the public shall be restricted between 7:00 a.m. and 10:00 p.m. Sunday through Thursday, and between 7:00 a.m. and 11:00 p.m. on Friday and Saturday. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. The outside dining hours shall be between 7:00 AM and 10:00 PM daily.~~
 - e. ~~On site or off site alcohol sales/service are not permitted from the café or outdoor dining.~~
 - f. ~~No delivery services shall be permitted from the café.~~
 - g. ~~No food, beverages, or other material shall be stored outside.~~
 - h. ~~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.~~
 - i. ~~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..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.~~
- ~~j. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.~~
 - ~~k. The Director of Planning and Zoning shall review the special use permit one year after the café and outdoor dining use becomes 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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) (T&ES)~~
24. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. The applicant shall control odors and any other air pollution from operations at the site and prevent them from becoming a nuisance, as determined by the Department of Transportation and Environmental Services. (City Council)

Conditions # 25 -39 are related to the transportation management plan.

25. A TMP Coordinator shall be designated for the entire project upon application for the initial building permit. This person will be a professional with experience in this occupation. This coordinator will have an on-site office, and the name, location and telephone number of the coordinator will be provided to the City at that time, and the City will be notified at the time of any changes. This person will be responsible for implementing and managing all aspects of the TMP and the parking management program for the project. (P&Z) (T&ES)
26. A transportation management plan (TMP) account shall be funded annually at a rate of \$0.11 per square foot of occupied retail space and \$60 per occupied residential unit. The first payment to the fund shall be made with the issuance of initial residential or retail Certificate of Occupancy. Payment shall be the responsibility of the developer until such time as this responsibility is transferred by lease or other legal arrangement to the owners of the buildings or condominiums. Annually, to begin one year after the initial CO is issued, the rate shall increase by an amount equal to the rate of inflation for the previous year, unless a waiver is obtained by the Director of Transportation and Environmental Services. The TMP fund shall be used exclusively for these approved activities:
- a. Discounting the cost of bus and transit fare media for on-site employees and residents. The discounted bus and rail fare media shall be sold on-site to employees/residents of the project including during hours that are convenient for residents who work. The fare media to be sold will include, at a minimum, fare media for Metrorail, Metrobus, DASH and any other public transportation system

- fare media requested by employees and/or the Office of Transit Services and Programs. The availability of this fare media will be prominently advertised. At a minimum, the initial discount will be 20%.
- b. Marketing activities, including advertising, promotional events, etc.
 - c. Membership and application fees for carshare vehicles.
 - d. Any other TMP activities as may be proposed by the applicant and approved by the Director of T&ES as meeting goals similar to those targeted by the required TMP measures.
 - e. Free parking for vanpools; and
 - f. Employee car pools (with two (2) or more members) shall receive a parking subsidy equal to one-half (1/2) the single occupant vehicle monthly parking rate.
- (City Council)
27. Transit, ridesharing, staggered work hours/compressed work week, parking restrictions and the other program elements shall be promoted to prospective tenants and to employers and their employees, and to prospective residents and residents in the residential buildings. (P&Z) (T&ES)
 28. Information about all transit, ridesharing, and other TMP elements shall be distributed and displayed to residents, employers, and employees—including transit schedules, rideshare applications and information, incentive information, parking information, etc. This information shall be kept current. Displays of these brochures and applications shall be provided in a prominent location within each building and a web site with this information and appropriate links to transit providers will be provided and maintained. (P&Z) (T&ES)
 29. A ridesharing program shall be established that includes not only participation in the regional Metropolitan Washington Council of Governments Commuter Connections Program, but also site--specific matching efforts. (P&Z) (T&ES)
 30. A Guaranteed Ride Home Program shall be established and promoted as part of the ridesharing and transit marketing efforts. Provide one time free SmarTrip cards to first time condominium purchasers and retail employees. (P&Z) (T&ES)
 31. A share car program shall be established and marketed as part of the ridesharing and transit marketing efforts for all buildings. At a minimum at least two parking spaces per building should be reserved for the location of carshare vehicles. These spaces should be in a convenient location for tenants and residents and the TMP Coordinator will arrange with any of the carshare companies for placement of vehicles in this project. (Currently, Zipcar and Flexcar both have vehicles in the Alexandria area.). For those individuals that take transit, car pool/vanpool, walk, or bike to work the TMP program will pay the registration and annual membership fees (not the usage fees) to use the carshare vehicles. (P&Z) (T&ES)
 32. The applicant will provide semi-annual TMP Fund reports to the Office of Transit Services and Programs. These reports will provide a summary of the contributions to the fund and all expenses. The first report will be due six months following the issuance of the first

certificate of occupancy. Any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or may be paid to the City for use in TMP support activities which benefit the site. The Director of T&ES may require that the funds be paid to the City upon determination that the applicant has not made reasonable effort to use the funds for TMP Programs. (P&Z) (T&ES)

33. The applicant shall prepare, as part of its leasing/purchasing agreements, appropriate language to inform tenants/owners of the transportation management plan special use permit and conditions therein, prior to any lease/purchase agreements; such language to be reviewed and approved by the City Attorney's office. (P&Z) (T&ES)
34. Modifications to approved TMP activities shall be permitted upon approval by the Director of T&ES, provided that any changes are consistent with the goals of the TMP. (P&Z) (T&ES)
35. As required by Section 11-700 under Article XI of the City of Alexandria Zoning Ordinance, the special use permit and conditions attached thereto as granted by City Council, unless revoked or amended, shall run with the land and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all heirs, successors and assignees with whom sale or lease agreements are executed subsequent to the date of this approval. (P&Z)(T&ES)
36. The developer shall provide secure bicycle storage facilities, at no charge to the employees or patrons in a convenient location to the retail areas on the following minimum basis:
 - a. A minimum six (6) visitor/customer spaces and six (6) employee spaces. These facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The employee facilities shall be located within the underground parking structure. The facilities must meet the acceptable standards for Class I storage space and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Facilities for visitors/customers must meet the standards for either Class II or Class III storage space and be highly visible from a main street level visitor/customer entrance. The detail of the bicycle racks shall be consistent with the Carlyle design guidelines Drawings showing that these requirements shall be approved prior to the release of the final site plan.
 - b. The developer shall provide one (1) shower. Also, a minimum one (1) clothes storage locker for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area. The showers and locker facilities shall be open during normal working hours. The location, layout and security of the showers and lockers shall be reviewed by the City of Alexandria Police Department prior to release of the building permit. (P&Z) (T&ES)

37. The applicant shall prepare, as part of its sales agreements, appropriate language to inform the owners of the transportation management plan special use permit and conditions therein, prior to any sales contracts; such language to be reviewed and approved by the City Attorney's office. (P&Z) (T&ES)
38. Modifications to approved TMP activities shall be permitted upon approval by the Director of T&ES and P&Z, provided that any changes are consistent with the goals of the TMP. (P&Z) (T&ES)
39. Any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or may be paid to the City for use in TMP support activities which benefit the site. The Director of T&ES may require that the funds be paid to the City upon determination that the applicant has not made a reasonable effort to use the funds for TMP Programs. (P&Z) (T&ES)
40. The applicant shall participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the developer. (P&Z) (T&ES)
41. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
42. Developer to comply with the peak flow requirements of Article XIII of the Alexandria Zoning Ordinance. (T&ES)
43. In the event that Section 5-1-2(12b) of the City Code is amended to designate multi-family dwellings in general, or multi-family dwellings when so provided by SUP, as required user property, then refuse collection shall be provided by the City. (T&ES)
44. Show the sanitary sewer lateral connection to an existing sewer main with size, direction of flow, invert elevations, structure locations, etc. (T&ES)
45. Provide a site lighting plan to the satisfaction of the Director of T&ES in consultation with the Chief of Police. The plan shall show the existing and proposed street lights and site lights. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets city standards and are located to prevent excessive spillover lighting and glare from adjacent properties. (T&ES) (P&Z)
46. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)

47. Provide all pedestrian and traffic signage to the satisfaction of the Director of T&ES. (T&ES)
48. Plan must demonstrate to the satisfaction of Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. (T&ES)
49. All driveway entrances, sidewalks, curb/gutter, etc. in public right-of-way or abutting public right-of-way shall meet City standards. (T&ES)
50. Indicate design specifications for all on-site and off-site improvements, i.e. curbing, sidewalk, handicap ramps, sewer structures, etc. Provide details on the final site plan. (T&ES)
51. Replace existing curb and gutter, sidewalks, and handicap ramps that are in disrepair or broken. (T&ES)
52. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)
53. The following entrances and intersections shall be reconfigured to safely accommodate the AASHTO turning movement of a WB-40 vehicle, to the satisfaction of the Director of T&ES.
 - a. Entrance on Holland Lane.
 - b. Entrance on Georges Lane
 - c. Intersection of Georges Lane and Duke Street
 - d. Intersection of Holland lane and Duke Street. (T&ES)
54. The design and operation of the mechanically operated moveable curb and signage for the Holland Lane median opening shall be to the satisfaction of the Director of Transportation and Environmental Services. The owner shall be responsible for the cost of maintenance and operation of the mechanically operated curb. (City Council)
55. The median on Holland Lane shall be finished with brick to the satisfaction of the Director of T&ES. (T&ES)
56. Provide a detail of city standard Emergency Vehicle Easement and Handicap Parking signs on the final site plan. (T&ES)
57. Due to the prior uses at the site and the potential for contamination, the applicant shall design and install a vapor barrier and ventilation system for the buildings and parking areas to prevent the migration or accumulation of methane or other gases under parking areas or into buildings, or conduct a study and provide a report signed by a professional engineer

showing that such measures are not needed to the satisfaction of Directors of T&ES and Code Enforcement. The final site plan shall not be released and no construction activity shall take place until the following has been submitted and approved by the Director of T&ES:

- a. Submit a Site Characterization Report/Extent of Contamination Study detailing the location, the contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the proposed site.
 - b. Submit a Risk Assessment indicating any risks associated with the contamination.
 - c. Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. "Clean" backfill shall be used to fill the utility corridors.
 - d. Submit a Health and Safety Plan indicating measures to be taken during any remediation and/or construction to minimize the potential risks to workers, the neighborhood, and the environment.
 - e. Submit 5 copies of each of the above. The remediation plan must be included in the Final Site Plan. (T&ES)
58. The developer or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the site and the Carlyle site, including previous environmental conditions and on-going remediation. These disclosures shall be made to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
59. Due to the close proximity of the site to Duke Street:
- a. The applicant shall prepare a noise study identifying the levels of noise residents at the site will be exposed to at the present time and 10 years into the future in a manner consistent with the Noise Guidance Book used by the Department of Housing and Urban Development (HUD).
 - b. Identify options to minimize noise exposure to future residents at the site, including:
 - i. Special construction methods to reduce noise transmission, which may include:
 - Triple-pane glazing for windows
 - Additional wall and roofing insulation
 - Installation of resilient channels between the interior gypsum board leaf and the wall studs
 - Others as identified by the applicant.
 - ii. If needed, install some combination of the above-mentioned noise mitigation measures or others to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (City Council)
60. All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. (T&ES)
61. The stormwater collection system is part of the Cameron/Holmes Run watershed. All stormwater inlets shall be duly marked to the satisfaction of the Director of T&ES. (T&ES)

62. Provide a drainage map for the area flowing to the chosen BMP, including topographic information and storm drains on the final site plan. (T&ES)
63. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
64. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. The design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the approved Final Site Plan. (T&ES)
65. The surface appurtenances associated with the on-site structural BMP's shall be marked to the satisfaction of the Director of T&ES to identify them as part of the structural BMP system. (T&ES)
66. For any surface-installed Best Management Practices, i.e. Bio-Retention Filters, Vegetated Swales, etc. are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
67. The developer shall furnish the owners with an Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include an explanation of the functions and operations of each BMP and any supporting utilities, catalog cuts on any mechanical or electrical equipment, a schedule of routine maintenance for the BMP(s) and supporting equipment, and a copy of the maintenance agreement with the City. (T&ES)
68. The developer shall furnish the Condominium Association with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMP's) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s), drawings and diagrams of the BMP(s) and any supporting utilities, catalog cuts on maintenance requirements and a copy of the Maintenance Agreement with the City. (T&ES)
69. The developer shall furnish each home purchaser with a brochure describing the stormwater BMP(s) installed on the site, outlining the responsibilities of the Condominium Association with respect to maintenance requirements. Upon activation of the Association, the Developer shall furnish five copies of the brochure per unit to the Association for distribution to subsequent homeowners. (T&ES)

70. A "Certified Land Disturber" must be named on the Erosion and Sediment Control sheets prior to release of the final Site Plan in accordance with Virginia Erosion and Sediment Control Law VAC §: 10.1-563.B. (T&ES)
71. The applicant will be encouraged to participate in the City's "Adopt-a-Street" program. (T&ES)
72. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
73. Developer shall show the sanitary connection from 6" lateral for proposed construction. (T&ES)
74. Show traffic signal modifications for Duke Street/Holland lane intersection; mast arms, signal heads, pedestrian heads, etc. Provide a traffic striping and signage plan with the final site plan. (T&ES)
75. In accordance with the City of Alexandria's Affordable Housing Policy, the developer will provide a contribution to the Housing Trust Fund in the amount of \$1.00 per gross square foot, or \$175,000.00, whichever is greater, no later than the date of the issuance of the Certificate of Occupancy for the grocery store. The applicant will also contribute an additional \$10,000.00 to the Housing Trust Fund for an increase from the approved 114 units to 116 units. (PC) (City Council)
76. For firefighting reasons, one stair shall extend through the roof so that door access to the roof is provided. (City Council)
77. In lieu of strict compliance with ladder truck access requirements specified in item C-4, an alternative compliance proposal is recommended. The proposed placement on the lot would be acceptable if the following fire protection and fire fighting features were built into the buildings, to the satisfaction of the Director of Code Enforcement:
 - a. The entire building, including the residential component shall be sprinklered in accordance with NFPA 13 not 13R.
 - b. Enclose all elevator lobbies in smoke tight construction.
 - c. Provide a public address component to the fire alarm system. (City Council)
78. A second fire department connection (fdc) shall be provided for this building on the Duke Street face. All fdc's shall be within 100 feet of the nearest hydrant. Show all hydrants that serve this project. (Code)
79. The building requires two van accessible handicapped accessible parking spaces. (City Council)
80. All archeological work shall be carried out in accordance with the *City of Alexandria Archeological Standards* and is subject to the approval of the City Archeologist. (Arch)

81. If determined to be appropriate by the City Archeologist, one or more historic markers shall be erected on this property summarizing its historical and archeological significance. The wording on the markers will be approved by the Alexandria Archeology. (Arch)
82. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding security hardware and alarms for the development. (Police)
83. A security survey shall be completed for the construction trailers as soon as they are placed on-site. (Police)
84. Controlled access shall be provided to the underground parking. All ceilings and walls in the garages are to be painted white or to the satisfaction of the Police Chief. (City Council)
85. Trees are not to be planted under or near light poles. (Police)
86. The maximum height of the shrubs listed in the planting schedule is to be 36 inches when mature. (Police)
87. If an "ABC OFF" license is granted to the grocery store the following restrictions are recommended:

Beer or wine coolers may be sold 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. (Police)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 Bond for the public improvements must be posted prior to release of the plan.
- C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 The sewer tap fee must be paid prior to release of the plan.
- C-4 All easements and/or dedications must be recorded prior to release of the plan.
- C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C-6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-7 All utilities serving this site to be underground.
- C-8 Provide site lighting plan.
- C-9 Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control including 100% treatment of the Water Quality Volume Default.
- C-10 Provide a phased erosion and sediment control plan consistent with grading and construction.
- C-11 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.

Sanitation Authority:

- C-1 Ensure that all discharges are in accordance with the City of Alexandria Code 4035.

Code Enforcement:

- C-1 This building is over 50 feet in height and as such is required to have ladder truck access to the front and the rear of the buildings by public roads or recorded emergency vehicle easements (eve). For a building face to be considered accessible by a ladder truck the curblin shall be at least 15 feet and no more than 30 feet from the face of the building.

Alternatives that demonstrate equivalency to this requirement will be considered on a case by case basis.

- C-2 Building B shall have two exits.
- C-3 Prior to the submission of the final site plan fire flow calculations shall be submitted to this office for review and approval. These calculations shall be prepared by a professional engineer registered in the state of Virginia and shall use the calculation methodology specified in the attached handout. Evidence that the existing and/or proposed infrastructure is capable of supporting the calculated fire flow shall also be provided.
- C-4 A separate sheet labeled “fire service plan” shall be provided. This plan shall show the footprint of the buildings, fire hydrants, fire department connections, emergency vehicle easements, utility cutoffs, building entrances and exits, fire control rooms, and a summary of fire protection features for each building.
- C-5 A single building shall not have multiple types of construction. Adjacent buildings shall be separated by fire walls not fire separation assemblies. The VUSBC does not recognize horizontal fire walls. Therefore either the first, P1 and P2 levels shall have fire walls introduced or the construction type of levels 2-4 shall be upgraded to comply with area limitations of the VUSBC.
- C-6 The access aisles adjacent to handicapped parking spaces are restricted in width by the placement of the building columns. A 5 foot clear width is required for the access aisles.
- C-7 Verify that the elevator cabs are sized to accommodate EMS stretchers.
- C-8 The enclosed parking structures shall be equipped with mechanical ventilation, fire sprinkler systems, and floor drains routed to a oil/water separator.
- C-9 A soils investigation report must be submitted with the building permit application.
- C-10 This structure contains mixed use groups and are subject to the mixed use and occupancy requirements of USBC313.0.
- C-11 Required exits, parking and facilities shall be accessible for persons with disabilities.
- C-12 Prior to the issuance of a building, demolition or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps to be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

Health Department:

- C-1 An Alexandria Health Department permit is required for all regulated facilities.
- Permits are non-transferable.
 - Permits must be obtained prior to operation.
 - Five sets of plans are to be submitted and approved by this department prior to construction of any facility regulated by the health department.
 - Plans for food facilities must comply with the Alexandria City Code, Title 11, Chapter 2. Food and Food establishments.
 - Pool plans must comply with Title 11, Chapter 11, swimming pools. Tourist establishments pools must have six sets of plans submitted.
 - Provide a menu or list of foods to be handled by this facility to the Health Department prior to opening.

Police Department:

The following recommendations related to lighting have not been included as conditions; rather, staff has recommended that the applicant prepare a lighting plan to the satisfaction of the Director of T&ES in consultation with the Police, which will likely result in lower lighting levels than those desired by the Police. The recommendation for 2.0 candles within the parking garage has been included within the staff report.

- R-1 Lighting on the sidewalk is to be a minimum 2.0 foot candles maintained.
(Not recommended by P&Z)

- F-1 A lighting plan was not included in the package.

Historic Alexandria (Archaeology):

- F-1 This property has the potential to yield archeological resources which provide insight into residential and commercial occupation of Alexandria's West End. The lot was part of the 1796 subdivision by John West, and several structures, including a bake house, were present by the late eighteenth and early nineteenth centuries. The Bontz site (44AX103) at the northeast corner of the property was excavated in the 1980's.
- F-2 The applicant must hire an archaeological consultant to prepare a Documentary Study (including a set of Ground Impact Maps), conduct test excavations for an Archaeological Evaluation, and complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.
- F-3 All archaeological preservation measures must be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance). To confirm, call Alexandria Archaeology at (703) 838-4399.

- F-4 The General Notes of the Preliminary and Final Site Plans must include the statement in C-2 above. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.

Parks & Recreation (Arborist):

No comments received from this department.

Virginia American Water Company:

- F-1 Water service is available for domestic use and fire protection.
- F-2 The existing ten-inch water main shown on Duke Street is no longer in service. Both the 12" and 24" mains in Holland Lane connect to the 20" main in Duke Street.
- F-3 A double detector check backflow prevention device is required on all fire services. If located inside the premise, it must have a remote sensing meter in a separate accessible room.
- F-4 VAWC reserves the right to determine the final placement of the water meter.
- F-5 Please add the following notes to the site plan.
- All water facility construction shall conform to the Virginia American Water Company Standards and Specifications.
 - Contact Virginia American Water Company at 703-549-7080, to coordinate construction and inspection of water facilities.

IV. RECOMMENDED CONDITIONS – SUP#2017-0018

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)
2. Outdoor seating is encouraged and shall be permitted. Outdoor dining operations, including employee traffic, shall not encroach upon the city right-of-way, without a separate encroachment approval. Outdoor dining shall be limited to the Duke Street frontage. A minimum sidewalk width of 12-14 ft. shall be maintained. (P&Z)
3. The outdoor seating areas including umbrellas shall not include advertising signage. The design of the outdoor furniture shall be compatible with the design of the building. (P&Z)

4. The outside dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
5. No live entertainment is permitted inside the indoor dining area or in the outdoor dining area. (P&Z)
6. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The hours during which the indoor and outdoor dining area is open to the public shall be restricted to between 7:00 a.m. and 11:00 p.m. Sunday through Thursday, and between 7:00 a.m. and 12:00 midnight on Friday and Saturday. Meals ordered before the closing time may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. In no event shall the dining areas stay open later than the grocery store. (P&Z) (PC)
7. On-premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales may be permitted at the restaurant. Beer may be sold only in 4-packs, 6-packs, or growlers. Wine may be sold in bottles of at least 375 ml. Fortified wines (or wine with an alcohol content of 16.5% or more by volume) may not be sold unless in the form of dessert wines, premium ports, sherries, madeiras, and similar wines. (P&Z)
8. No delivery services shall be permitted from the dining area. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. The maximum number of indoor dining seats shall be 131. The maximum number of outdoor dining seats shall be 20. (P&Z)
11. The applicant shall post the hours of operation. (P&Z)
12. 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)
13. The Director of Planning and Zoning shall review the special use permit one year after the use becomes 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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)
14. The applicant shall sign a maintenance agreement for the existing oil and grease separator with the City of Alexandria that must be executed and recorded with the Land Records Division of Alexandria Circuit Court. (T&ES)

15. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
16. Chemicals, detergents or cleaners for the restaurant stored outside the building shall be kept in an enclosure with a roof. (T&ES)
17. 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)
18. All waste products for the restaurant 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. (T&ES)
19. Supply deliveries, loading, and unloading activities shall not occur independently of the existing grocery store deliveries. (T&ES)
20. 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)
21. The applicant shall comply with the Parking Management Plan Condition 12 of DSUP2013-00029. In addition, benefits required under the TMP for the DSUP shall also be offered to the restaurant employees. (T&ES)
22. 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)

CITY DEPARTMENT CODE COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F - Finding

Transportation and Environmental Services

- F-1 Based on current standards, the applicant would be required to supply parking 1 space per every 4 café seats, amounting to 38 spaces based on 151 proposed seats. For retail, the applicant would be required to supply 1 space per every 230 square feet of retail. At 42,650 square feet, the applicant would be required to supply 186 spaces. The retail and café requirements amount to 224. The existing parking garage supplies 257 spaces for retail customers, which is sufficient per the City's zoning ordinance. (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 SUP 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)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)
- C-4 Drainage from compactors shall comply with 2012 Virginia Plumbing Code Section 1003 with subsections. (T&ES/Code)
- R-1 The applicant shall sign a maintenance agreement for the existing oil and grease separator with the City of Alexandria that must be executed and recorded with the Land Records Division of Alexandria Circuit Court. (T&ES)
- R-2 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-3 Chemicals, detergents or cleaners for the restaurant stored outside the building shall be kept in an enclosure with a roof. (T&ES)

- R-4 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)
- R-5 All waste products for the restaurant 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. (T&ES)
- R-6 Supply deliveries, loading, and unloading activities shall not occur independently of the existing grocery store deliveries. (T&ES)
- R-7 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)
- R-8 The applicant shall comply with the Parking Management Plan Condition 12 of DSUP2013-00029. In addition, benefits required under the TMP for the DSUP shall also be offered to the restaurant employees. (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)

Archaeology

- F-1 There is low potential for significant archeological resources to be disturbed by this project. No archeological action is required.

Alexandria Health Department

Will be required to submit separate plan reviews for both food service areas.

Food Facilities:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.

- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food Items to be offered for service at the facility and specification sheets for all equipment used In the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Fire Department

- C-1 Due to an increase in occupant load, applicant shall apply for a new Fire Prevention Permit that reflects the occupant load is greater than 150.

Code Administration

No comments received.

STAFF:

Robert M. Kerns, AICP, Chief of Development
Gary Wagner, Principal Planner
Bill Cook, Urban Planner



APPLICATION

DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

DSUP #: _____ **Project Name:** _____

PROPERTY LOCATION: 1700 Duke Street
TAX MAP REFERENCE: 073.02-0E-001 **ZONE:** CDD #1

APPLICANT:

Name: Whole Foods Market, Inc.
Address: 550 Bowie St., Austin, TX 78703-4664

PROPERTY OWNER:

Name: TGC 1700 Duke Street LLC
Address: Attn: William Crowley, 173 Hooehana St. Suite 101, Kahului, HI 96732

SUMMARY OF PROPOSAL Amendment to DSUP to remove conditions associated with cafe use in the grocery store

MODIFICATIONS REQUESTED N/A

SUP's REQUESTED See associated SUP request for cafe uses

[] **THE UNDERSIGNED** hereby applies for Development Site Plan with Special Use Permit approval in accordance with the provisions of Section 11-400 of the 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

M. Catharine Puskar, attorney/agent

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, & Walsh P.C.

2200 Clarendon Blvd. Suite 1300

Mailing/Street Address

Arlington, VA 22201

City and State Zip Code

Signature

703-528-4700

Telephone #

Fax #

cpuskar@thelandlawyers.com

Email address

1/24/2017 revised 2/16/2017

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received:

Received Plans for Completeness:

Fee Paid and Date:

Received Plans for Preliminary:

ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:

Development SUP #

2017-00018

ALL APPLICANTS MUST COMPLETE THIS FORM.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is: (check one)

☐ the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

See attached

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.

N/A

TGC 1700 Duke Street LLC

Attn: R. Clay Sutherland
173 Hoohana St. Suite 101
Kahului, HI 96732

January 23, 2017

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

Re: Consent to File Application for Development Special Use Permit Amendment and
Associated Requests
1700 Duke Street, Tax Map ID 073.02-0E-001 (the "Property")

Dear Mr. Moritz:

TGC 1700 Duke Street LLC hereby consents to the filing of applications by Whole Foods Market Inc. for a development special use permit amendment and any related requests to allow for outdoor dining and indoor café uses on the Property.

Very truly yours,

TGC 1700 Duke Street LLC
By Fred E. Trotter LLC, Its Member

By: 

R. Clay Sutherland
Its Manager

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. N/A		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1700 Duke Street (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. SEE ATTACHED		
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. NONE		
2.		
3.		

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.

01/19/2017

SEE ATTACHED

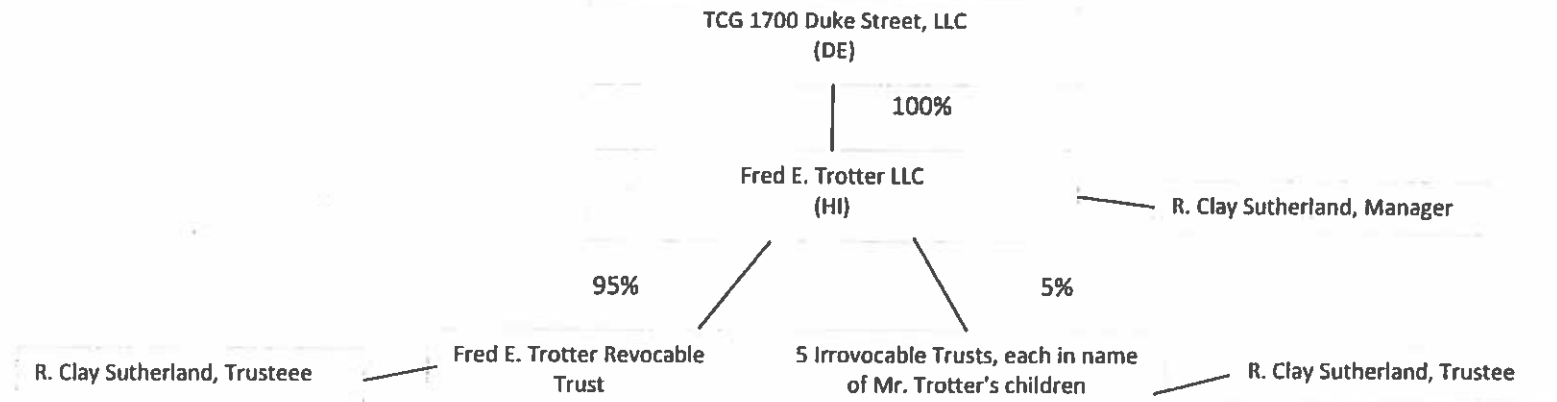
SEE ATTACHED

Date

Printed Name

Signature

**OWNERSHIP CHART
TROTTER/WHOLE FOODS ALEXANDRIA**



TGC 1700 DUKE STREET, LLC

By: **FRED E. TROTTER, LLC,**
Its Member

By: 

Name: R. Clay Sutherland

Its: Manager

Signature Page to Ownership and Disclosure Statement

(Letterhead)

Whole Foods Market Inc.
(Address)

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

Re: Authorization to File Application for Development Special Use Permit Amendment and
Associated Requests
1700 Duke Street, Tax Map ID 073.02-0E-001 (the "Property")

Dear Mr. Moritz:

Whole Foods Market Inc. hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of applications for a development special use permit amendment and any related requests to allow for outdoor dining and indoor café uses on the Property.

Very truly yours,

By: nicola wescoe

Its: Mid Atlantic Regional Vice President

Date: 1/24/17

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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Name	Address	Percent of Ownership
1. Whole Foods Market, Inc.	550 Bowie St. Austin TX 78703-4654	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1700 Duke Street (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.

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2.		
3.		

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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. Publicly Traded		
2.		
3.		

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.

01/24/2017

Date

Heather Smith

Printed Name

Heather Smith

Signature

Development SUP # _____

- 2. Narrative description.** 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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. If not appropriate to the request, delete pages 6-9. (Attach additional sheets if necessary.)

See attached

Statement of Justification
Parcel Address: 1700 Duke Street
Tax Map ID: 073.02-0E-001

Whole Foods Market (“The Applicant”) requests approval of an amendment to previously approved DSUP#2003-0029 to remove conditions associated with the café use in the Whole Foods Market grocery store located at 1700 Duke Street, tax map ID 073.02-0E-001 (the “Property”). In addition, the Applicant requests that the conditions governing the café use be contained in the requested stand-alone Special Use Permit (“SUP”) for expansion of the café use associated with the grocery store. These requests are consistent with current City practice to provide separate SUPs for specific uses within development projects.

By way of background, in September 2002, City Council approved DSUP#2002-0003 for a mixed-use retail and residential project including a large format grocery store. This approval was subsequently amended in November 2003 by DSUP#2003-0029 to increase the number of residential units. Pursuant to Condition 23, an indoor café and outdoor dining are permitted as part of the grocery store, subject to the requirements outlined in the condition. There are 76 seats in the indoor café along the northern façade of the store adjacent to the cash registers and 20 outdoor seats. In addition, there are 12 seats at a wine/coffee bar located adjacent to the wine section. The Applicant proposes to create an additional 43-seat indoor café “pub” area to replace the existing flower shop in the northeast corner of the building and connect to the outdoor dining as shown on the plans.

The existing/proposed café spaces will be used as follows:

- The existing 76-seat café adjacent to the cash registers will continue to operate as a self-serve area for patrons to bring their purchased food and drinks from the store to consume on-premises.
- The existing 12-seat wine/coffee bar will be converted to a ramen noodle soup and sushi bar. The food and drinks will be prepared at the bar.
- The proposed new 43-seat café “pub” area, connecting with the existing 20-seat outdoor dining, will allow patrons to either bring purchased prepared food from the grocery store or order food and/or drinks from the bartender. Store staff will bring ordered food to the bartender, who will then deliver the food to the patron. The Applicant also proposes to install a TV for the indoor pub café patrons.
- The Applicant proposes to have beer and wine for sale for on-premises consumption by the patrons in all of the café spaces as well as growlers for purchase/refills in the café “pub” area. While the current proposal includes on-premises sales of beer and wine, in order to ensure future flexibility under the SUP approval, the Applicant requests the allowance for sale of mixed-drinks on-premises. Any changes in alcohol sales will require approval from the Virginia Department of Alcoholic Beverage Control.

DSUP#2003-0029 condition 23e currently prohibits on- and off-premises alcohol sales for the café. The Applicant proposes to sell on-premises alcohol in the café areas and growlers to take off-premises, similar to most Whole Foods Market cafes throughout the country and local stores such as Market Common Clarendon, Crystal City, and Fair Lakes. These café elements are an important amenity for Whole Foods Market customers, adding to the experiential nature of the store, and have proven to be very successful nationwide.

The original DSUP approved a parking ratio for the grocery store that exceeds the required 86 spaces (1 space per 500 sf of retail use) per the Zoning Ordinance. Currently, 257 spaces are provided for the grocery store use. No changes to the parking are proposed and no additional parking is required to adequately serve the store with the proposed café areas, as these café areas will be patronized by customers of the grocery store.

The expansion of café uses and allowance for alcohol associated with the café will further the goals of the Carlyle Vitality Initiative to enhance the vitality and quality of life for those working, living, and visiting Carlyle. The new café “pub” space will activate the Duke and Holland Lane entrance to Carlyle and provide an additional gathering space throughout the day and evening hours.

3. How many patrons, clients, pupils and other such users do you expect?

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

N/A

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

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

N/A

5. Describe the proposed hours and days of operation of the proposed use:

Day

Hours

Day

Hours

N/A

6. Describe any potential noise emanating from the proposed use:

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

N/A

B. How will the noise from patrons be controlled?

N/A

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

N/A

8. Provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

N/A

B. How much trash and garbage will be generated by the use?

N/A

C. How often will trash be collected?

N/A

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

N/A

9. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?☐ Yes. ☐ No. N/A

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

10. 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. N/A

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

11. What methods are proposed to ensure the safety of residents, employees and patrons?N/A

_____**ALCOHOL SALES****12. Will the proposed use include the sale of beer, wine or mixed drinks?**☐ Yes. ☐ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

N/A

_____**PARKING AND ACCESS REQUIREMENTS****13. Provide information regarding the availability of off-street parking:**

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

N/A

- B. How many parking spaces of each type are provided for the proposed use:

N/A

Standard spaces_____
Compact spaces_____
Handicapped accessible spaces_____
Other

- C. Where is required parking located? (check one) ☐ on-site ☐ off-site N/A

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

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.

- D. 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**.

14. Provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A

- B. How many loading spaces are available for the use? N/A

- C. Where are off-street loading facilities located?

N/A

- D. During what hours of the day do you expect loading/unloading operations to occur? N/A

- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

15. 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?

N/A



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2017-00018

PROPERTY LOCATION: 1700 Duke Street

TAX MAP REFERENCE: 073.02-0E-001

ZONE: CDD #1

APPLICANT:

Name: Whole Foods Market, Inc.

Address: 550 Bowie St., Austin, TX 78703-4664

PROPOSED USE: SUP for expansion of cafe use associated with the grocery store

☒ **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.

M. Catharine Puskar, attorney/agent

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, & Walsh P.C.
2200 Clarendon Blvd, Suite 1300
Mailing/Street Address

Arlington, VA

City and State

22201

Zip Code

McPuskar

Signature

2/16/2017

Date

703-528-4700

Telephone #

Fax #

cpuskar@thelandlawyers.com

Email address

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

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

SUP #

2017-00018

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1700 Duke Street, I hereby
(Property Address)
grant the applicant authorization to apply for the expansion of cafe use use as
(use) SEE ATTACHED
described in this application.

Name: _____

Please Print

Phone: _____

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.

See attached

TGC 1700 Duke Street LLC

Attn: R. Clay Sutherland
173 Hoohana St. Suite 101
Kahului, HI 96732

January 23, 2017

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

Re: Consent to File Application for Development Special Use Permit Amendment and
Associated Requests
1700 Duke Street, Tax Map ID 073.02-0E-001 (the "Property")

Dear Mr. Moritz:

TGC 1700 Duke Street LLC hereby consents to the filing of applications by Whole Foods Market Inc. for a development special use permit amendment and any related requests to allow for outdoor dining and indoor café uses on the Property.

Very truly yours,

TGC 1700 Duke Street LLC
By Fred E. Trotter LLC, Its Member

By: _____


R. Clay Sutherland
Its Manager

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. N/A		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1700 Duke Street (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.

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1. SEE ATTACHED		
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).

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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. NONE		
2.		
3.		

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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.

01/19/2017

SEE ATTACHED

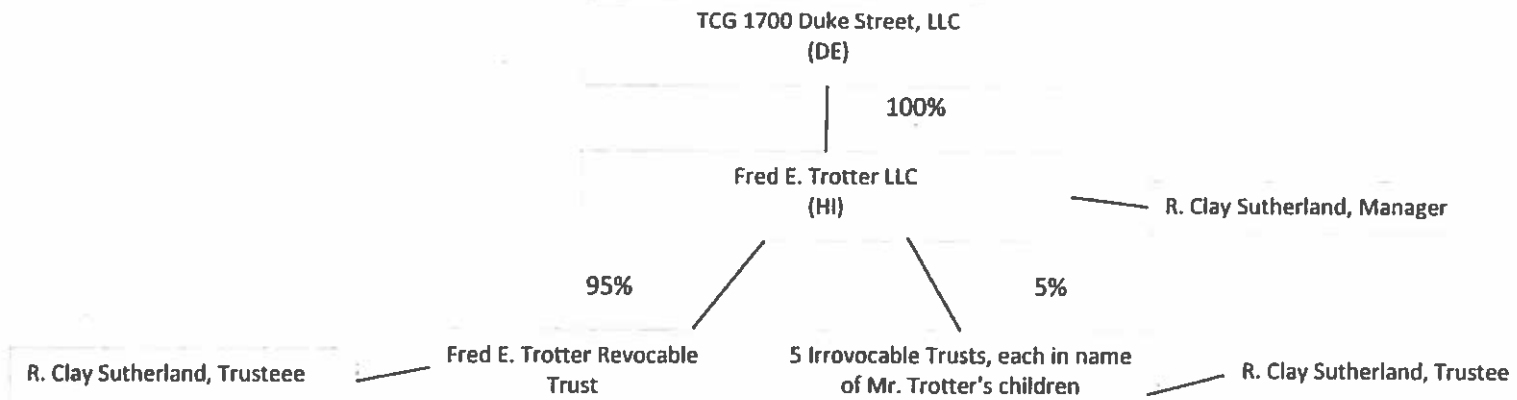
SEE ATTACHED

Date


Printed Name

Signature

**OWNERSHIP CHART
TROTTER/WHOLE FOODS ALEXANDRIA**



TGC 1700 DUKE STREET, LLC
By: FRED E. TROTTER, LLC,
Its Member

By: 
Name: R. Clay Sutherland
Its: Manager

Signature Page to Ownership and Disclosure Statement

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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Name	Address	Percent of Ownership
¹ Whole Foods Market, Inc.	550 Bowie St. Austin TX 78703-4664	100%
²		
³		

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¹ Publicly Traded		
²		
³		

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.

01/24/2017

Date

Heather Smith

Printed Name

Heather Smith

Signature

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

NARRATIVE DESCRIPTION

See attached

[illegible]

Statement of Justification
Parcel Address: 1700 Duke Street
Tax Map ID: 073.02-0E-001

Whole Foods Market ("The Applicant") requests approval of an amendment to previously approved DSUP#2003-0029 to remove conditions associated with the café use in the Whole Foods Market grocery store located at 1700 Duke Street, tax map ID 073.02-0E-001 (the "Property"). In addition, the Applicant requests that the conditions governing the café use be contained in the requested stand-alone Special Use Permit ("SUP") for expansion of the café use associated with the grocery store. These requests are consistent with current City practice to provide separate SUPs for specific uses within development projects.

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The existing/proposed café spaces will be used as follows:

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- The Applicant proposes to have beer and wine for sale for on-premises consumption by the patrons in all of the café spaces as well as growlers for purchase/refills in the café "pub" area. While the current proposal includes on-premises sales of beer and wine, in order to ensure future flexibility under the SUP approval, the Applicant requests the allowance for sale of mixed-drinks on-premises. Any changes in alcohol sales will require approval from the Virginia Department of Alcoholic Beverage Control.

DSUP#2003-0029 condition 23i currently prohibits on- and off-premises alcohol sales for the café. The Applicant proposes to sell on-premises alcohol in the café areas and growlers to take off-premises, similar to most Whole Foods Market cafes throughout the country and local stores such as Market Common Clarendon, Crystal City, and Fair Lakes. These café elements are an important amenity for Whole Foods Market customers, adding to the experiential nature of the store, and have proven to be very successful nationwide.

The original DSUP approved a parking ratio for the grocery store that exceeds the required 86 spaces (1 space per 500 sf of retail use) per the Zoning Ordinance. Currently, 257 spaces are provided for the grocery store use. No changes to the parking are proposed and no additional parking is required to adequately serve the store with the proposed café areas, as these café areas will be patronized by customers of the grocery store.

The expansion of café uses and allowance for alcohol associated with the café will further the goals of the Carlyle Vitality Initiative to enhance the vitality and quality of life for those working, living, and visiting Carlyle. The new café “pub” space will activate the Duke and Holland Lane entrance to Carlyle and provide an additional gathering space throughout the day and evening hours.

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).
Approximately 110-160 patrons per day
- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
New cafe/pub: 3-4 employees during the day per shift. 5-6 employees per shift evenings and weekends
Ramen bar: 1-3 employees, 3 max during peak periods
Existing 76-seat cafe area: N/A

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

Day:	Hours:
<u>Sunday-Thursday</u>	<u>7am - 11pm</u>
<u>Friday-Saturday</u>	<u>7am - 12 midnight</u>
_____	_____
_____	_____

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

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- It is not anticipated that noise levels will exceed permitted levels under the noise ordinance

- B. How will the noise be controlled?
- Noise levels will comply with the noise ordinance.

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

No odors are anticipated

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)
Typical restaurant trash such as boxes, food wrappers, bottles, and cans

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

Typical for restaurant uses

C. How often will trash be collected?

Trash will be co-mingled with grocery store trash, which is collected 2-3 times per week

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

The Applicant will monitor the site for litter.

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:

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.

Normal cleaning solvents for sanitization purposes to be used on a daily basis.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?
No safety/security issues are anticipated.

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.

ABC license for on/off premises sales.

PARKING AND ACCESS REQUIREMENTS

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

_____ Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
257 Other. (No change to existing parking)

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 N/A

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

A. How many loading spaces are available for the use? 3 spaces

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? At the rear of the building with access from George's Lane
- C. During what hours of the day do you expect loading/unloading operations to occur?
Between the hours of 7am-11pm
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Daily, as appropriate
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? _____ square feet.
18. What will the total area occupied by the proposed use be?
_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ 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

SUP # 2017-60018
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: 76 ex. approved Outdoors: 20 ex. approved Total number proposed: 151
12 ex. bar seating to be converted to ramen/sushi bar seating
43 proposed
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:
Typical for Whole Foods Market cafes

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:
The Applicant proposes a TV screen in the indoor pub cafe.

SUP # 2017-00018

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
☒ 100%
☐ 75-99%
☐ 50-74%
☐ 1-49%
☐ No parking can be accommodated off-street
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
☒ All
☐ 75-99%
☐ 50-74%
☐ 1-49%
☐ None
3. What is the estimated peak evening impact upon neighborhoods? (check one)
☒ No parking impact predicted
☐ Less than 20 additional cars in neighborhood
☐ 20-40 additional cars
☐ More than 40 additional cars

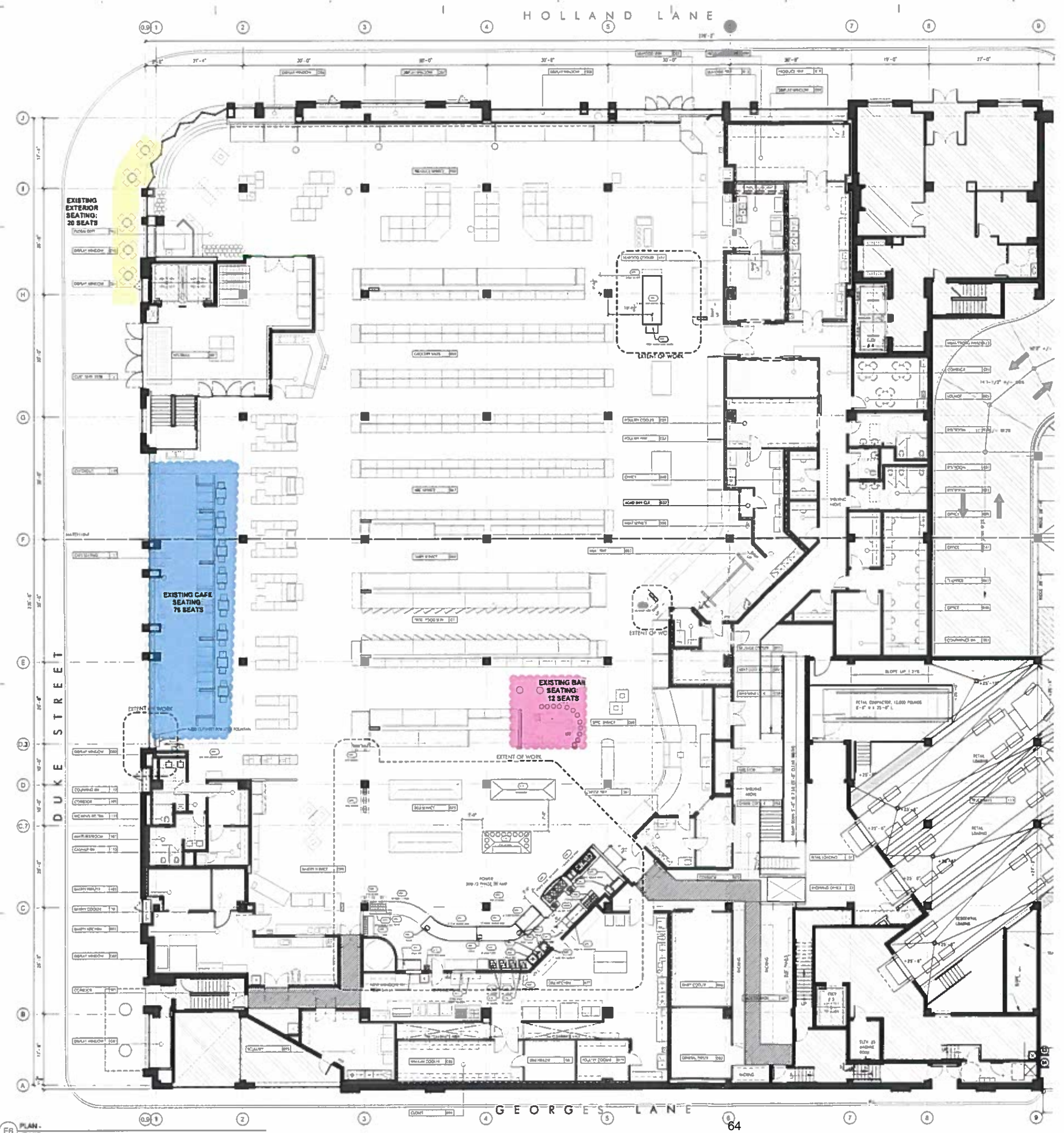
Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:

	<u>133</u>	Maximum number of patron dining seats
+	<u>18</u>	Maximum number of patron bar seats
+	<u>0</u>	Maximum number of standing patrons
=	<u>151</u>	Maximum number of patrons
2. 9 Maximum number of employees by hour at any one time
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
☐ Closing by 8:00 PM
☐ Closing after 8:00 PM but by 10:00 PM
☒ Closing after 10:00 PM but by Midnight
☐ Closing after Midnight
4. Alcohol Consumption (check one)

<input checked="" type="checkbox"/> High ratio of alcohol to food	Ratio applicable only to cafe uses - not inclusive of food or alcohol bought in the grocery store.
<input type="checkbox"/> Balance between alcohol and food	
<input type="checkbox"/> Low ratio of alcohol to food	



MVA
ARCHITECTS

Owner
Whole Foods Market
1700 Duke Street
Alexandria, VA 22314

Architect
MVA Architects
1700 Duke Street, Suite 200
Alexandria, VA 22314
703-461-1000

Designated Engineer
J. Lee
1700 Duke Street, Suite 200
Alexandria, VA 22314
703-461-1000

Architectural Planning Engineer
J. Lee
1700 Duke Street, Suite 200
Alexandria, VA 22314
703-461-1000

Structural Engineer
J. Lee
1700 Duke Street, Suite 200
Alexandria, VA 22314
703-461-1000



1700 DUKE STREET
ALEXANDRIA, VA 22314

FIXTURE PLAN

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	10' x 10' Island	1	EA	12,000	12,000
2	10' x 10' Island	1	EA	12,000	12,000
3	10' x 10' Island	1	EA	12,000	12,000
4	10' x 10' Island	1	EA	12,000	12,000
5	10' x 10' Island	1	EA	12,000	12,000
6	10' x 10' Island	1	EA	12,000	12,000
7	10' x 10' Island	1	EA	12,000	12,000
8	10' x 10' Island	1	EA	12,000	12,000
9	10' x 10' Island	1	EA	12,000	12,000
10	10' x 10' Island	1	EA	12,000	12,000
11	10' x 10' Island	1	EA	12,000	12,000
12	10' x 10' Island	1	EA	12,000	12,000
13	10' x 10' Island	1	EA	12,000	12,000
14	10' x 10' Island	1	EA	12,000	12,000
15	10' x 10' Island	1	EA	12,000	12,000
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18	10' x 10' Island	1	EA	12,000	12,000
19	10' x 10' Island	1	EA	12,000	12,000
20	10' x 10' Island	1	EA	12,000	12,000
21	10' x 10' Island	1	EA	12,000	12,000
22	10' x 10' Island	1	EA	12,000	12,000
23	10' x 10' Island	1	EA	12,000	12,000
24	10' x 10' Island	1	EA	12,000	12,000
25	10' x 10' Island	1	EA	12,000	12,000
26	10' x 10' Island	1	EA	12,000	12,000
27	10' x 10' Island	1	EA	12,000	12,000
28	10' x 10' Island	1	EA	12,000	12,000
29	10' x 10' Island	1	EA	12,000	12,000
30	10' x 10' Island	1	EA	12,000	12,000
31	10' x 10' Island	1	EA	12,000	12,000
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33	10' x 10' Island	1	EA	12,000	12,000
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39	10' x 10' Island	1	EA	12,000	12,000
40	10' x 10' Island	1	EA	12,000	12,000
41	10' x 10' Island	1	EA	12,000	12,000
42	10' x 10' Island	1	EA	12,000	12,000
43	10' x 10' Island	1	EA	12,000	12,000
44	10' x 10' Island	1	EA	12,000	12,000
45	10' x 10' Island	1	EA	12,000	12,000
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72	10' x 10' Island	1	EA	12,000	12,000
73	10' x 10' Island	1	EA	12,000	12,000
74	10' x 10' Island	1	EA	12,000	12,000
75	10' x 10' Island	1	EA	12,000	12,000
76	10' x 10' Island	1	EA	12,000	12,000
77	10' x 10' Island	1	EA	12,000	12,000
78	10' x 10' Island	1	EA	12,000	12,000
79	10' x 10' Island	1	EA	12,000	12,000
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81	10' x 10' Island	1	EA	12,000	12,000
82	10' x 10' Island	1	EA	12,000	12,000
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84	10' x 10' Island	1	EA	12,000	12,000
85	10' x 10' Island	1	EA	12,000	12,000
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89	10' x 10' Island	1	EA	12,000	12,000
90	10' x 10' Island	1	EA	12,000	12,000
91	10' x 10' Island	1	EA	12,000	12,000
92	10' x 10' Island	1	EA	12,000	12,000
93	10' x 10' Island	1	EA	12,000	12,000
94	10' x 10' Island	1	EA	12,000	12,000
95	10' x 10' Island	1	EA	12,000	12,000
96	10' x 10' Island	1	EA	12,000	12,000
97	10' x 10' Island	1	EA	12,000	12,000
98	10' x 10' Island	1	EA	12,000	12,000
99	10' x 10' Island	1	EA	12,000	12,000
100	10' x 10' Island	1	EA	12,000	12,000

Owner
Whole Foods Market
5515 Square Lane
Suite 100
Baltimore, MD 21032
301-984-2082

Architect
mv+a | Multifamily Architects
1700 G Street, NW, Suite 210
Washington, DC 20005
202-687-1873

Mechanical / Plumbing / Electrical Engineer
Dover Engineering
2903 Harvard Drive, #370
Baltimore, MD 21234
301-476-4100

1700 DUKE STREET
ALEXANDRIA, VA 22314

PROPOSED FIXTURE
PLAN

PROJECT NUMBER
15028.00

DRAWN BY _____ CHECKED BY _____

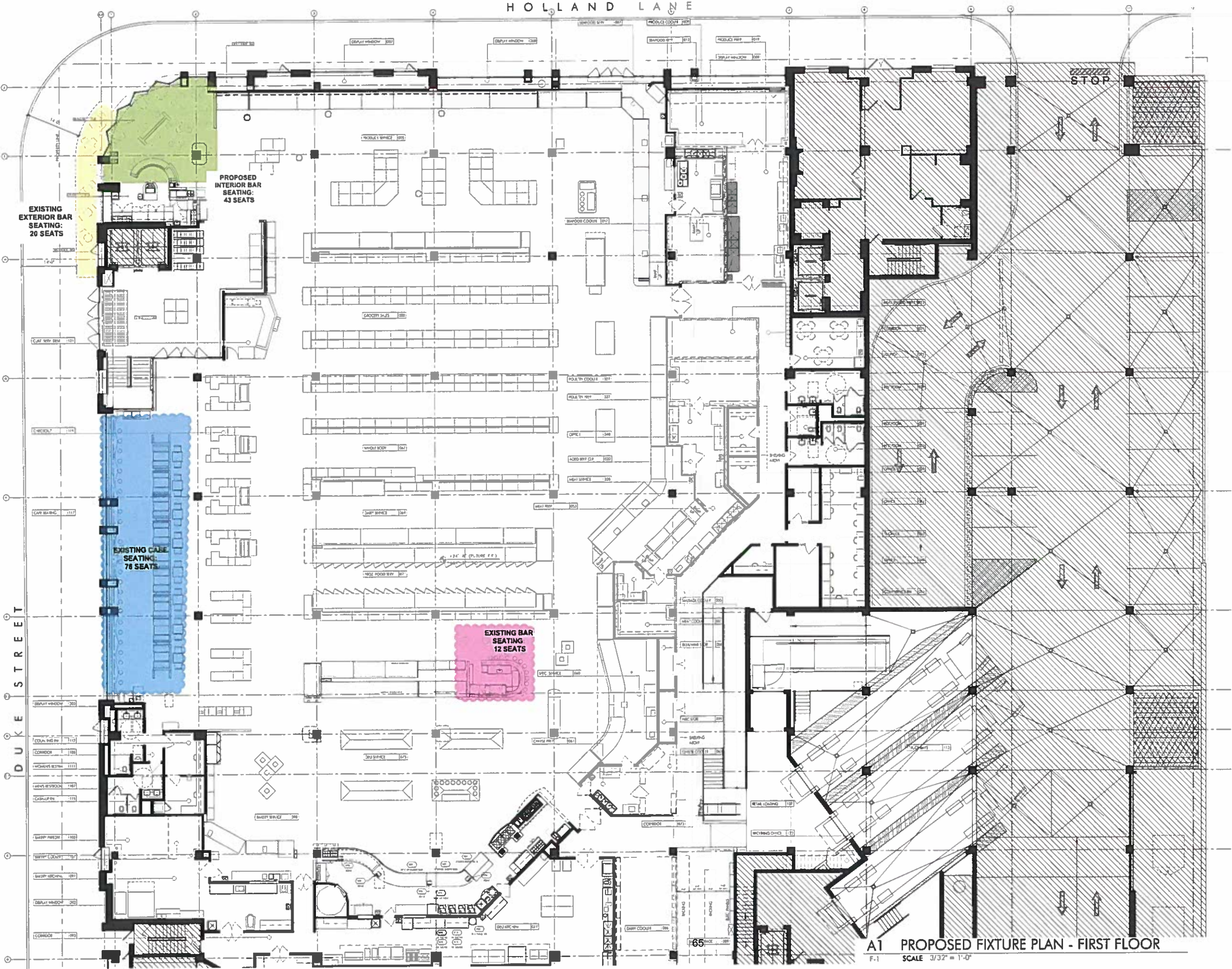
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	REVIEW SET	05.13.16

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#2003-0029

Docket Item #5
DEVELOPMENT SPECIAL USE PERMIT

1700 DUKE STREET - AMENDMENT

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request to amend a development special use permit, with site plan, to increase the number of condominium units.

APPLICANT: JBG/Rockwood Duke Street, LLC
by Timothy S. Munshell

LOCATION: 1700 Duke Street

ZONE: CDD-1/Coordinated Development District

CITY COUNCIL ACTION, NOVEMBER 15, 2003: City Council approved the Planning Commission recommendation, with an amendment to the first paragraph of condition #12 to read: “The applicant shall provide a parking management plan which outlines the mechanism to maximize the use of the parking structure to the satisfaction of the Director of Planning and Zoning. The site plan and building permit shall be amended to depict the revised parking garage configuration to account for the two additional residential units by re-striping the garage to accommodate the two (2) residential spaces.”

PLANNING COMMISSION ACTION, NOVEMBER 6, 2003: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the proposed amendment to the development special use permit, subject to compliance with all applicable codes, ordinances and all staff recommendations and to amend condition #75. The motion carried on a vote of 6 to 0. Mr. Wagner was absent.

Reason: The Planning Commission agreed with the staff analysis and all of the staff recommendations and amended condition #75 requiring that the applicant contribute an additional \$10,000.00 to the Alexandria Affordable Housing Fund for the increase in units.

Speakers:

Allan Rudd, Eisenhower Civic Association, spoke against the staff condition requiring two additional parking spaces for the two new units noting the lack of public benefit.

Bud Hart, attorney representing the applicant.

SUMMARY:

The applicant, JBG/Rockwood Duke Street L.L.C., is requesting approval of an amendment to DSUP #2002-0009 to increase the number of condominium units from 114 to 116. The applicant proposes to replace two of the two-bedroom units on the third and fourth floors with four of the one-bedroom units with no change in the building footprint, square footage, F.A.R. exterior facade or retail use. The increase in the number of units is simply re-allocating the internal portion of the building. The 43,342 sq.ft. grocery store and three levels of condominium use will remain unchanged.

Staff is recommending approval of the development special use permit amendment with all conditions of DSUP #2002-0009. Staff originally supported the proposed mixed-use project, noting that the condominiums will provide additional home ownership opportunities within the City in close proximity to the King Street Metro. The new residential units will require an additional two residential parking spaces. These spaces will be re-allotted from the excess retail parking. With no changes in FAR and sufficient parking available, staff recommends approval of the increase in number of units from 114 to 116 units.

STAFF RECOMMENDATION:

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

The following conditions have been carried forward from DSUP #2002-0009.
Condition
#12 is the only condition that has been amended for this application.

1. The building design and materials shall be revised to the satisfaction of the Director of P&Z to provide the following.
 - a. The base of the building (retail) shall be pre-case, the building shall provide a continuous lighter color brick frieze around top of the entire building, the building shall provide a pre-cast or comparable material corner treatment and the general level of architectural detail, design and quality as depicted in *Attachment #1*.
 - b. A standing seam metal roof for the entire building. The color of the roof shall be compatible with the colors of the building.
 - c. The materials of the entire building visible from the public right-way other than the screening for the mechanical equipment shall be entirely masonry (brick, precast, stone).
 - d. The balconies shall be constructed of high quality materials comparable to the materials for the primary building facade. The balconies shall not project beyond the plane of the building.

- e. Through-the-wall HVAC vent grills shall not face Holland Lane and Duke Street. All vents shall be designed with high quality grill work and of a color to compliment the materials of the building.
 - f. The entrance canopies shall be a high quality metal such as stainless steel or aluminum canopies as generally depicted on the preliminary plans. Canopies shall be provided at each pavilion entrance. Any subsequent encroachment of the canopies more than four feet beyond the property line shall require a subsequent encroachment approval.
 - g. The projections of the center pavilions and corner element shall have masonry returns.
 - h. At large storefronts, provide visual means of support for the masonry above, through the use of pilasters or by extending the masonry. Where large expanses of glass are below masonry but in a different plane, provide visual means of support for the masonry above (visible through the glass)
 - i. The retail base shall provide low-level lighting as an integral part of the facade design to add nighttime visual interest to the buildings. Accent lighting is encouraged.
 - j. The applicant shall provide larger scale drawings to evaluate the balcony projections, balcony rails, cornice brackets, entrance canopies and sign bands and that the final detailing, finish and color of these elements is critical and must be studied in context with the overall building. These detail elements shall be submitted prior to review by the Carlyle Design Review Board.
 - k. Architectural elevations shall be submitted with the final site plan. Each elevation shall indicate the average finished grade line to ensure compliance with all applicable height requirements.
 - l. Once the conditions above have been addressed to the satisfaction of the Director of P&Z, and the with the second final site plan the applicant may begin concurrent review of the site plan and building permits.
(City Council)
2. The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and approved by the Carlyle Design Review Board and such approval process shall be completed by October 4, 2002, and if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning. (City Council)
3. The colors and materials of the retail tenant signs shall be designed of high quality materials and shall be designed as an integral part of the building that shall relate in materials, color and scale to the remainder of the building as generally depicted in the preliminary plan to the satisfaction of the Director of P&Z.
- a. Sign messages shall be limited to logos, names and street address information.

- b. Illuminated or non-illuminated parapet signs or wall signs above the first level for retail and/or residential uses are prohibited.
 - c. Signs applied to storefront windows shall cover no more than twenty percent of the glass.
 - d. Individual channel letters shall be provided for the canopy sign on the corner of Duke Street and Holland Lane and other signs for the building.
 - e. Box signs shall be prohibited.
 - f. Any exterior decorative exterior banners and the proposed mural on Duke Street shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
 - g. Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located adjacent to the retail windows. Tables and other active uses adjacent to the window are encouraged.
 - h. Freestanding signs other than traffic/directional signs shall be prohibited. (P&Z)
4. The applicant shall contribute \$80,000 to the East Eisenhower Open Space Fund. This contribution shall be made prior to release of the final site plan. (P&Z)
5. The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following:
- a. All sidewalks for the development shall be brick and shall comply with City standards.
 - b. A minimum unobstructed sidewalk on Duke Street of 20.5 feet. and 15 feet on Holland Lane (excluding the 2 ft. projection of the pavilions). The retail storefront bays shall be setback to provide the minimum sidewalk widths.
 - c. The brick sidewalks shall continue over the proposed curb cut on Holland Lane and the curb cut on Georges Lane to provide a continuous uninterrupted brick sidewalk designed to the satisfaction of the Directors of P&Z and T&ES.
 - d. The applicant shall provide four (4) City standard street cans (2 per block face), to the satisfaction of the Director of T&ES prior to issuance of a certificate of occupancy permit.
 - e. The applicant shall provide, install and maintain a minimum of two (2) public benches for each street frontage to the satisfaction of the Director of P&Z. The details of bench shall be consistent with the Carlyle design guidelines.
 - f. The applicant shall provide brick paver or streetprint pavers or comparable for the pedestrian crossings and pedestrian count down signals at the intersection of Duke Street and Holland Lane and Duke Street as generally depicted on the preliminary plans.
 - g. The applicant shall provide brick paver or streetprint pavers crosswalks for the

- Reinekers Lane and Duke Street intersection.
- h. The applicant shall provide and install "Gadsby" street lights for Duke Street and single acorn luminaire street lights on Holland Lane consistent with the Carlyle Design standards.
 - i. The applicant shall construct a 10 ft. wide temporary asphalt sidewalk within the public right-of-way that extends from the southern portion of the site to Jamieson Avenue or contribute a monetary amount to enable the City to install the interim sidewalk.
 - j. All streetscape improvements shall be completed prior to the issuance of a certificate of occupancy permit. (P&Z) (T&ES)
6. A perpetual public ingress/egress easement shall be granted for public pedestrian access for Duke Street and Holland Lane sidewalks not located within the public right-of-way. All easements and reservations shall be depicted on the subdivision plat and shall be approved by the City Attorney prior to the release of the final site plan. (P&Z)
7. The vents for the parking garage shall not exhaust onto sidewalks at the pedestrian level. The applicant shall provide a 6 ft. tall decorative brick screening wall for the garage vent on Holland Lane and Georges Lane. Landscaping shall be provided between the brick screening wall and the sidewalk on Holland Lane. (P&Z)
8. The landscaping shall consist of the level of landscaping providing on the preliminary landscape plan and shall also include the following to the satisfaction of the Director of P&Z:
- a. The street trees on Duke Street shall be Red Maple.
 - b. The street trees on Holland lane shall be Willow Oak.
 - c. All street trees shall be planted in a continuous planting trough with aeration, drainage and irrigation systems. The trough shall be large enough to provide sufficient arable soil volume to support adequate moisture for the tree. A planting trough for a single tree shall a single tree shall contain a minimum of 300 cubic feet of soil. Troughs shall be a minimum of thirty inches deep and six feet wide from the face of curb.
 - d. An automatic irrigation system shall be provided for the tree troughs.
 - e. Drainage of the tree troughs shall be to the Best Management Practice(BMP) facility.
 - f. The applicant shall provide raised landscape planters and landscaping on Duke Street between the street trees consistent with the Carlyle design guidelines.
 - g. Decorative tree grates shall be provided on Duke Street and Holland Lane consistent with the Carlyle design guidelines.
 - h. The street trees shall be a minimum of 4" caliper at the time of planting
 - i. Low growing shade tolerant shrubs/plants shall be on eastern portion of Georges Lane.

- j. The developer shall be responsible for the installation and maintenance of trees adjacent to the public streets. This maintenance shall include, but not be limited to, pruning, watering, pest control, and removal and replacement of street trees as necessary.
 - k. The location of all light poles shall be coordinated with the street trees.
 - l. Underground utilities and utility structures shall be located away from the proposed landscaping and street trees to the extent feasible, to minimize any impact on the root systems of the proposed landscaping, to the satisfaction of the Director of T&ES and P&Z.
 - m. The final landscape plan shall be prepared by a licensed landscape architect.
 - n. All materials specifications shall be in accordance with the industry standard for grading plant material-The American Standard for Nursery Stock (ANSI Z60.1).
 - o. All utility lines shall be located away from the proposed landscaped areas to minimize the impact upon the proposed landscaping. Any switch boxes or transformers shall be located on the final site plan to the satisfaction of the Directors of P&Z and T&ES.p. The interior courtyard shall be designed to provide a focal element (such as a sculpture or water feature etc.) and amenities such as benches, special paving and landscape planters and additional landscaping to encourage its use. The planters within the courtyard shall be adequate depth to provide trees. (P&Z)
9. All existing and proposed utility poles and overhead electrical/telephone lines for the entire site shall be located underground and the cost of such undergrounding shall be the sole responsibility of the developer. The existing transformer at the intersection of Duke Street and Holland Lane shall be located within a underground parking garage or area not visible from the public right-of-way within an enclosed location to the satisfaction of the Directors of T&ES and P&Z and in accordance with the requirements of Dominion Virginia Power. (T&ES) (P&Z)
10. The entrance to the parking garage shall be redesigned and the apartment lay-by shall be eliminated as generally depicted in *Attachment # 2* to the satisfaction of the Director of T&ES. (T&ES)
11. The interior drive aisles shall maintain an unobstructed width of 22 feet (excluding columns). Provide dimension lines on the final site plan. (P&Z)
12. The applicant shall provide a parking management plan which outlines the mechanism to maximize the use of the parking structure to the satisfaction of the Director of P&Z. The site plan and building permit shall be amended to depict the revised parking garage configuration to account for the two additional residential units by re-stripping the garage to accommodate the two (2) residential spaces. At a minimum the plan shall include:

- a. No more than 154 spaces shall be allocated to residents and their visitors, including the tandem spaces. At least 15% of these spaces shall be reserved for visitor use.
- b. All resident parking shall have controlled access.
- c. The residential visitor spaces shall be located on the second parking level adjacent to the resident parking or on the surface at the rear of the retail. At least five (5) of the surface spaces at the rear of the retail shall be reserved for residential visitors.
- d. The applicant shall require its employees who drive to work to use off-street parking and no employees shall park in the surface parking spaces.
- e. Parking rates for the short-term parking within the underground parking garage shall be consistent with comparable buildings located in adjoining developments in the City of Alexandria, except that free parking may be provided for retail patrons.
- f. Parking spaces for car pool vehicles shall be conveniently located adjacent to garage entrances and exits, and/or elevator locations.
- g. The visitor spaces shall be clearly identified with striping and signage.
- h. Employee parking for the retail use shall be within the underground garage.
- i. The retail parking spaces within the lower level parking garage shall be reserved for retail patrons and shall include all applicable signage.
- j. Parking spaces within the underground parking in excess of 1 space/250 gross square feet retail space shall be made available for short-term market-rate parking if excess parking spaces are available as demonstrated by a parking study prepared by a transportation engineer and submitted by the Whole Foods Market. The parking survey shall be submitted no later than one year from the date of certificate of occupancy permit for the retail use. Additional parking studies may be required for subsequent years if deemed necessary by the Director of Planning and Zoning.
- k. The developer agrees to provide parking for all construction workers without charge to the workers or shall provide subsidy for the construction workers in order that they may use Metro, DASH, provide a van for van pooling, or another method of providing for construction workers to arrive at the site. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of Planning & Zoning and Transportation and Environmental Services prior to the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, car pooling, vanpooling, and other similar efforts. The plan shall also provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and car pooling and vanpooling information. If the plan is found to be violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (City Council)

13. Any use other than the grocery store and condominiums as represented in the preliminary plans shall require a major amendment to the special use permit amendment. A copy of the cover sheet and signatures of the lease agreement with the grocery store shall be submitted prior to release of the building permit. (P&Z)
14. The applicant shall present a disclosure statement to condominium owners signed prior to signing any contract of purchase. The statement shall disclose the following:
 - a. That first floor retail grocery store and outdoor tables will generate noise and truck traffic on the public and internal streets surrounding the project and the retail use will have extended hours of operation.

The specific language of the disclosure statement to be utilized shall be provided to the City for approval by the Director of P&Z and City Attorney, prior to release of any CO for residential units. (P&Z)
15. A temporary informational sign shall be installed by the applicant on the site prior to the approval of the building permit for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions about the project. (P&Z)
16. The applicant shall submit final plats of subdivision, and dedication that shall be approved prior by the Department of P&Z, T&ES and the City Attorney prior to release of the final site plan. (P&Z)
17. All utility structures, including cable TV and telephone pedestals shall be located within the buildings or located below grade in vaults. No above ground utilities serving this project shall be permitted within public right-of-ways, public access easement areas or areas visible to the public. (P&Z)
18. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z)
19. Temporary structures for construction shall be permitted and the period such structures are to remain on the site, size and site design for such structures shall be subject to the approval of the Director of P&Z. (P&Z)
20. Location surveys for the building and parking garage shall be submitted by the applicant to the Department of P&Z prior to issuance of a certificate of occupancy permit. (P&Z)

21. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit. (P&Z)
22. The applicant shall be allowed to make minor adjustments if the changes do not result in the loss of parking, landscaping or an increase in floor area ratio. (P&Z)
23. The indoor café and outdoor dining shall be permitted with the following conditions:
 - a. Outdoor seating is encouraged and shall be permitted. Outdoor dining operations, including employee traffic, shall not encroach upon the city right-of-way, without a separate encroachment approval. Outdoor dining shall be limited to the Duke Street frontage. A minimum sidewalk width of 12-14 ft. shall be maintained.
 - b. The outdoor seating areas including umbrellas shall not include advertising signage. The design of the outdoor furniture shall be compatible with the design of the building. The seating capacity for the outdoor dining shall not exceed 20 seats. The outside dining area shall be cleaned at the close of each day of operation.
 - c. No live entertainment is permitted inside the café or in the outdoor dining area.
 - d. The hours during which the indoor restaurant/café is open to the public shall be restricted between 7:00 a.m. and 10:00 p.m. Sunday through Thursday, and between 7:00 a.m. and 11:00 p.m. on Friday and Saturday. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. The outside dining hours shall be between 7:00 AM and 10:00 PM daily.
 - e. On-site or off-site alcohol sales/service are not permitted from the café or outdoor dining.
 - f. No delivery services shall be permitted from the café.
 - g. No food, beverages, or other material shall be stored outside.
 - h. 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.
 - i. 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..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

- j. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.
 - k. The Director of Planning and Zoning shall review the special use permit one year after the café and outdoor dining use becomes 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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) (T&ES)
24. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. The applicant shall control odors and any other air pollution from operations at the site and prevent them from becoming a nuisance, as determined by the Department of Transportation and Environmental Services. (City Council)

Conditions # 25 -39 are related to the transportation management plan.

25. A TMP Coordinator shall be designated for the entire project upon application for the initial building permit. This person will be a professional with experience in this occupation. This coordinator will have an on-site office, and the name, location and telephone number of the coordinator will be provided to the City at that time, and the City will be notified at the time of any changes. This person will be responsible for implementing and managing all aspects of the TMP and the parking management program for the project. (P&Z) (T&ES)
26. A transportation management plan (TMP) account shall be funded annually at a rate of \$0.11 per square foot of occupied retail space and \$60 per occupied residential unit. The first payment to the fund shall be made with the issuance of initial residential or retail Certificate of Occupancy. Payment shall be the responsibility of the developer until such time as this responsibility is transferred by lease or other legal arrangement to the owners of the buildings or condominiums. Annually, to begin one year after the initial CO is issued, the rate shall increase by an amount equal to the rate of inflation for the previous year, unless a waiver is obtained by the Director of Transportation and Environmental Services. The TMP fund shall be used exclusively for these approved activities:
- a. Discounting the cost of bus and transit fare media for on-site employees and residents. The discounted bus and rail fare media shall be sold on-site to employees/residents of the project including during hours that are convenient for

- residents who work. The fare media to be sold will include, at a minimum, fare media for Metrorail, Metrobus, DASH and any other public transportation system fare media requested by employees and/or the Office of Transit Services and Programs. The availability of this fare media will be prominently advertised. At a minimum, the initial discount will be 20%
- b. Marketing activities, including advertising, promotional events, etc.
 - c. Membership and application fees for carshare vehicles.
 - d. Any other TMP activities as may be proposed by the applicant and approved by the Director of T&ES as meeting goals similar to those targeted by the required TMP measures.
 - e. Free parking for vanpools; and
 - f. Employee car pools (with two (2) or more members) shall receive a parking subsidy equal to one-half (½) the single occupant vehicle monthly parking rate. (City Council)
27. Transit, ridesharing, staggered work hours/compressed work week, parking restrictions and the other program elements shall be promoted to prospective tenants and to employers and their employees, and to prospective residents and residents in the residential buildings. (P&Z) (T&ES)
28. Information about all transit, ridesharing, and other TMP elements shall be distributed and displayed to residents, employers, and employees—including transit schedules, rideshare applications and information, incentive information, parking information, etc. This information shall be kept current. Displays of these brochures and applications shall be provided in a prominent location within each building and a web site with this information and appropriate links to transit providers will be provided and maintained. (P&Z) (T&ES)
29. A ridesharing program shall be established that includes not only participation in the regional Metropolitan Washington Council of Governments Commuter Connections Program, but also site--specific matching efforts. (P&Z) (T&ES)
30. A Guaranteed Ride Home Program shall be established and promoted as part of the ridesharing and transit marketing efforts. Provide one time free SmarTrip cards to first time condominium purchasers and retail employees. (P&Z) (T&ES)
31. A share car program shall be established and marketed as part of the ridesharing and transit marketing efforts for all buildings. At a minimum at least two parking spaces per building should be reserved for the location of carshare vehicles. These spaces should be in a convenient location for tenants and residents and the TMP Coordinator will arrange with any of the carshare companies for placement of vehicles in this project. (Currently, Zipcar and Flexcar both have vehicles in the Alexandria area.). For those individuals that take

transit, car pool/vanpool, walk, or bike to work the TMP program will pay the registration and annual membership fees (not the usage fees) to use the carshare vehicles. (P&Z) (T&ES)

32. The applicant will provide semi-annual TMP Fund reports to the Office of Transit Services and Programs. These reports will provide a summary of the contributions to the fund and all expenses. The first report will be due six months following the issuance of the first certificate of occupancy. Any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or may be paid to the City for use in TMP support activities which benefit the site. The Director of T&ES may require that the funds be paid to the City upon determination that the applicant has not made reasonable effort to use the funds for TMP Programs. (P&Z) (T&ES)
33. The applicant shall prepare, as part of its leasing/purchasing agreements, appropriate language to inform tenants/owners of the transportation management plan special use permit and conditions therein, prior to any lease/purchase agreements; such language to be reviewed and approved by the City Attorney's office. (P&Z) (T&ES)
34. Modifications to approved TMP activities shall be permitted upon approval by the Director of T&ES, provided that any changes are consistent with the goals of the TMP. (P&Z) (T&ES)
35. As required by Section 11-700 under Article XI of the City of Alexandria Zoning Ordinance, the special use permit and conditions attached thereto as granted by City Council, unless revoked or amended, shall run with the land and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all heirs, successors and assignees with whom sale or lease agreements are executed subsequent to the date of this approval. (P&Z)(T&ES)
36. The developer shall provide secure bicycle storage facilities, at no charge to the employees or patrons in a convenient location to the retail areas on the following minimum basis:
 - A minimum six (6) visitor/customer spaces and six (6) employee spaces. These facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The employee facilities shall be located within the underground parking structure. The facilities must meet the acceptable standards for Class I storage space and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Facilities for visitors/customers must meet the standards for either Class II or Class III storage space and be highly visible from a main street level visitor/customer entrance. The detail of the bicycle racks shall be

consistent with the Carlyle design guidelines Drawings showing that these requirements shall be approved prior to the release of the final site plan.

- the developer shall provide one (1) shower. Also, a minimum one (1) clothes storage locker for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area. The showers and locker facilities shall be open during normal working hours. The location, layout and security of the showers and lockers shall be reviewed by the City of Alexandria Police Department prior to release of the building permit. (P&Z) (T&ES)
- 37. The applicant shall prepare, as part of its sales agreements, appropriate language to inform the owners of the transportation management plan special use permit and conditions therein, prior to any sales contracts; such language to be reviewed and approved by the City Attorney's office. (P&Z) (T&ES)
- 38. Modifications to approved TMP activities shall be permitted upon approval by the Director of T&ES and P&Z, provided that any changes are consistent with the goals of the TMP. (P&Z) (T&ES)
- 39. Any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or may be paid to the City for use in TMP support activities which benefit the site. The Director of T&ES may require that the funds be paid to the City upon determination that the applicant has not made a reasonable effort to use the funds for TMP Programs. (P&Z) (T&ES)
- 40. The applicant shall participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the developer. (P&Z) (T&ES)
- 41. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
- 42. Developer to comply with the peak flow requirements of Article XIII of the Alexandria Zoning Ordinance. (T&ES)
- 43. In the event that Section 5-1-2(12b) of the City Code is amended to designate multi-family dwellings in general, or multi-family dwellings when so provided by SUP, as required user property, then refuse collection shall be provided by the City. (T&ES)
- 44. Show the sanitary sewer lateral connection to an existing sewer main with size, direction of flow, invert elevations, structure locations, etc. (T&ES)
- 45. Provide a site lighting plan to the satisfaction of the Director of T&ES in consultation with

the Chief of Police. The plan shall show the existing and proposed street lights and site lights. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets city standards and are located to prevent excessive spillover lighting and glare from adjacent properties. (T&ES) (P&Z)

46. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
47. Provide all pedestrian and traffic signage to the satisfaction of the Director of T&ES. (T&ES)
48. Plan must demonstrate to the satisfaction of Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. (T&ES)
49. All driveway entrances, sidewalks, curb/gutter, etc. in public right-of-way or abutting public right-of-way shall meet City standards. (T&ES)
50. Indicate design specifications for all on-site and off-site improvements, i.e. curbing, sidewalk, handicap ramps, sewer structures, etc. Provide details on the final site plan. (T&ES)
51. Replace existing curb and gutter, sidewalks, and handicap ramps that are in disrepair or broken. (T&ES)
52. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)
53. The following entrances and intersections shall be reconfigured to safely accommodate the AASHTO turning movement of a WB-40 vehicle, to the satisfaction of the Director of T&ES.
 - a. Entrance on Holland Lane.
 - b. Entrance on Georges Lane
 - c. Intersection of Georges Lane and Duke Street
 - d. Intersection of Holland lane and Duke Street. (T&ES)

54. The design and operation of the mechanically operated moveable curb and signage for the Holland Lane median opening shall be to the satisfaction of the Director of Transportation and Environmental Services. The owner shall be responsible for the cost of maintenance and operation of the mechanically operated curb. (City Council)
55. The median on Holland Lane shall be finished with brick to the satisfaction of the Director of T&ES. (T&ES)
56. Provide a detail of city standard Emergency Vehicle Easement and Handicap Parking signs on the final site plan. (T&ES)
57. Due to the prior uses at the site and the potential for contamination, the applicant shall design and install a vapor barrier and ventilation system for the buildings and parking areas to prevent the migration or accumulation of methane or other gases under parking areas or into buildings, or conduct a study and provide a report signed by a professional engineer showing that such measures are not needed to the satisfaction of Directors of T&ES and Code Enforcement. The final site plan shall not be released and no construction activity shall take place until the following has been submitted and approved by the Director of T&ES:
 - 1) Submit a Site Characterization Report/Extent of Contamination Study detailing the location, the contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the proposed site.
 - 2) Submit a Risk Assessment indicating any risks associated with the contamination.
 - 3) Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. "Clean" backfill shall be used to fill the utility corridors.
 - 4) Submit a Health and Safety Plan indicating measures to be taken during any remediation and/or construction to minimize the potential risks to workers, the neighborhood, and the environment.Submit 5 copies of each of the above. The remediation plan must be included in the Final Site Plan. (T&ES)
58. The developer or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the site and the Carlyle site, including previous environmental conditions and on-going remediation. These disclosures shall be made to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)

59. Due to the close proximity of the site to Duke Street:
- 1) The applicant shall prepare a noise study identifying the levels of noise residents at the site will be exposed to at the present time and 10 years into the future in a manner consistent with the Noise Guidance Book used by the Department of Housing and Urban Development (HUD).
 - 2) Identify options to minimize noise exposure to future residents at the site, including:
 - a) Special construction methods to reduce noise transmission, which may include
 - Triple-pane glazing for windows
 - Additional wall and roofing insulation.
 - Installation of resilient channels between the interior gypsum board leaf and the wall studs.
 - Others as identified by the applicant.If needed, install some combination of the above-mentioned noise mitigation measures or others to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (City Council)
60. All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. (T&ES)
61. The stormwater collection system is part of the Cameron/Holmes Run watershed. All stormwater inlets shall be duly marked to the satisfaction of the Director of T&ES. (T&ES)
62. Provide a drainage map for the area flowing to the chosen BMP, including topographic information and storm drains on the final site plan. (T&ES)
63. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
64. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. The design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the

approved Final Site Plan. (T&ES)

65. The surface appurtenances associated with the on-site structural BMP's shall be marked to the satisfaction of the Director of T&ES to identify them as part of the structural BMP system. (T&ES)
66. For any surface-installed Best Management Practices, i.e. Bio-Retention Filters, Vegetated Swales, etc. are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
67. The developer shall furnish the owners with an Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include an explanation of the functions and operations of each BMP and any supporting utilities, catalog cuts on any mechanical or electrical equipment, a schedule of routine maintenance for the BMP(s) and supporting equipment, and a copy of the maintenance agreement with the City. (T&ES)
68. The developer shall furnish the Condominium Association with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMP's) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s), drawings and diagrams of the BMP(s) and any supporting utilities, catalog cuts on maintenance requirements and a copy of the Maintenance Agreement with the City. (T&ES)
69. The developer shall furnish each home purchaser with a brochure describing the stormwater BMP(s) installed on the site, outlining the responsibilities of the Condominium Association with respect to maintenance requirements. Upon activation of the Association, the Developer shall furnish five copies of the brochure per unit to the Association for distribution to subsequent homeowners. (T&ES)
70. A "Certified Land Disturber" must be named on the Erosion and Sediment Control sheets prior to release of the final Site Plan in accordance with Virginia Erosion and Sediment Control Law VAC §: 10.1-563.B. (T&ES)
71. The applicant will be encouraged to participate in the City's "Adopt-a-Street" program. (T&ES)
72. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
73. Developer shall show the sanitary connection from 6" lateral for proposed construction. (T&ES)

74. Show traffic signal modifications for Duke Street/Holland lane intersection; mast arms, signal heads, pedestrian heads, etc. Provide a traffic striping and signage plan with the final site plan. (T&ES)
75. In accordance with the City of Alexandria's Affordable Housing Policy, the developer will provide a contribution to the Housing Trust Fund in the amount of \$1.00 per gross square foot, or \$175,000.00, whichever is greater, no later than the date of the issuance of the Certificate of Occupancy for the grocery store. The applicant will also contribute an additional \$10,000.00 to the Housing Trust Fund for an increase from the approved 114 units to 116 units. (PC) (City Council)
76. For firefighting reasons, one stair shall extend through the roof so that door access to the roof is provided. (City Council)
77. In lieu of strict compliance with ladder truck access requirements specified in item C-4, an alternative compliance proposal is recommended. The proposed placement on the lot would be acceptable if the following fire protection and fire fighting features were built into the buildings, to the satisfaction of the Director of Code Enforcement:
 - 1) The entire building, including the residential component shall be sprinklered in accordance with NFPA 13 not 13R.
 - 2) Enclose all elevator lobbies in smoke tight construction.
 - 3) Provide a public address component to the fire alarm system.(City Council)
78. A second fire department connection(fdc) shall be provided for this building on the Duke Street face.All fdc's shall be within 100 feet of the nearest hydrant. Show all hydrants that serve this project. (Code)
79. The building requires two van accessible handicapped accessible parking spaces. (City Council)
80. All archeological work shall be carried out in accordance with the *City of Alexandria Archeological Standards* and is subject to the approval of the City Archeologist. (Arch)
81. If determined to be appropriate by the City Archeologist, one or more historic markers shall be erected on this property summarizing its historical and archeological significance. The wording on the markers will be approved by the Alexandria Archeology. (Arch)
82. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding security hardware and alarms for the development. (Police) A

security survey shall be completed for the construction trailers as soon as they are placed on-site. (Police)

83. Controlled access shall be provided to the underground parking. All ceilings and walls in the garages are to be painted white or to the satisfaction of the Police Chief. (City Council)
84. Trees are not to be planted under or near light poles. (Police)
85. The maximum height of the shrubs listed in the planting schedule is to be 36 inches when mature. (Police)
86. If an "ABC OFF" license is granted to the grocery store the following restrictions are recommended:

Beer or wine coolers may be sold 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. (Police)

Special use permit requested by the applicant and recommended by staff:

1. Development special use permit amendment to increase the number of units from 114 to 116.

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.

BACKGROUND:

The applicant, JBG Companies is requesting approval of an amendment to the approved development special use permit, with site plan, to construct a mixed-use (retail grocery and residential) four-level building that will consist of a 43,342 sq.ft. grocery store and 114 condominium units at the intersection of Duke Street or Holland Lane. The original development special use permit, with site plan, was approved in September, 2002. The building is currently under construction. The proposed amendment would increase the condominium units from 114 to 116, replacing two of the two-bedroom units on the third and fourth floors with four one-bedroom units. There will be no change in the building footprint, square footage, or exterior facade. The applicant is proposing to include one parking space/unit with the purchase price of each unit, 15% visitor parking with the remainder of the residential parking spaces available for purchase by the

condominium owners.

The parking for the condominiums will have controlled access. The parking for the retail and condominiums will be located within three levels of underground parking that will be accessed from an internal garage entrance via Holland Lane and Georges Lane. There will also be a limited number of surface parking spaces (18 spaces), and a loading area that are enclosed on the southern portion of the building.

The subject property is surrounded by a combination of retail, residential and primarily office uses. The uses to the north of the site include King Street Station, the historic Hooff House and Table Talk restaurant. The office buildings to the east are the National School Board Association building and the Shurgrad self-storage building. To the south is the African-American Heritage Park, the Burke & Herbert Bank building and the Meridian Apartments. To the west are the SHRM and association office buildings. The proposed development is within close proximity of the King Street metro. The zoning surrounding the site is a mix of high density commercial zones- OCH, OCM 100 and CDD-1 (Carlyle).

ZONING:

The site is zoned CDD-1, which allows a density up to 2.62 FAR with a CDD approval consistent with the guidelines for the Duke Street CDD. CDD-1 includes the Carlyle development, but this site is not within the boundaries of the Carlyle development.

1700 Duke Street - Whole Foods/Residential Condominiums		
Property Address:	1700 Duke Street	
Total Site Area:	71,784 Square feet *	
Zone:	CDD-1	
Current Use:	Retail/Residential	
Proposed Use:	Retail/Residential	
	<u>Permitted/Required</u>	<u>Proposed</u>
FAR	2.62	2.62
Yards	NA	11.4 ft. front (Duke Street)
1 ft. front (Holland Lane)		
3 ft. side (Georges Lane)		
20 ft. side (southern property line)		
Height	77 ft.	58.46 ft.
82 ft. with ground floor retail		
Open Space (26%) residential	NA	18,707 square feet
Parking	1 sp/500 sq.ft. (retail) = 87	280 retail
	1 sp/unit (residential) = 114	
	15% visitor parking = 18	151 spaces
(includes 19 tandem)		
	1 loading sp/20,000 sq.ft. = 3	3 loading spaces
	Total = 222	Total =
434		
* Site area with approved street dedication and vacation.		

STAFF ANALYSIS:

Staff is recommending approval of the development special use permit amendment with all conditions of DSUP #2002-0009 continued forward. Staff originally supported the proposed mixed-use project, noting that the condominiums will provide additional home ownership opportunities within the City in close proximity to the King Street Metro. With no changes in FAR and sufficient parking available, staff recommends approval of the increase in number of units from 114 to 116 units.

The approved plan provided more retail parking spaces than are required by the Zoning Ordinance, which was a concern of staff that was addressed by condition #12j of the approval. The approved parking ratio for the condominiums was 1.32 sp/unit(including the 15% visitor parking). Therefore, the two additional units will require two residential parking spaces and one visitor parking space. These spaces will be re-allotted from the surplus of retail parking.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment to the development special use permit for an increase from 114 units to 116 units.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner Chief, Development;
Laura Durham, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 Bond for the public improvements must be posted prior to release of the plan.
- C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 The sewer tap fee must be paid prior to release of the plan.
- C-4 All easements and/or dedications must be recorded prior to release of the plan.
- C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C-6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-7 All utilities serving this site to be underground.
- C-8 Provide site lighting plan.
- C-9 Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control including 100% treatment of the Water Quality Volume Default.
- C-10 Provide a phased erosion and sediment control plan consistent with grading and construction.
- C-11 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.

Sanitation Authority:

- C-1 Ensure that all discharges are in accordance with the City of Alexandria Code 4035.

Code Enforcement:

- C-1 This building is over 50 feet in height and as such is required to have ladder truck access to the front and the rear of the buildings by public roads or recorded emergency vehicle easements (eve). For a building face to be considered accessible by a ladder truck the curblineline shall be at least 15 feet and no more than 30 feet from the face of the building. Alternatives that demonstrate equivalency to this requirement will be considered on a case by case basis.
- C-2 Building B shall have two exits.
- C-3 Prior to the submission of the final site plan fire flow calculations shall be submitted to this office for review and approval. These calculations shall be prepared by a professional engineer registered in the state of Virginia and shall use the calculation methodology specified in the attached handout. Evidence that the existing and/or proposed infrastructure is capable of supporting the calculated fire flow shall also be provided.
- C-4 A separate sheet labeled "fire service plan" shall be provided. This plan shall show the footprint of the buildings, fire hydrants, fire department connections, emergency vehicle easements, utility cutoffs, building entrances and exits, fire control rooms, and a summary of fire protection features for each building.
- C-5 A single building shall not have multiple types of construction. Adjacent buildings shall be separated by fire walls not fire separation assemblies. The VUSBC does not recognize horizontal fire walls. Therefore either the first, P1 and P2 levels shall have fire walls introduced or the construction type of levels 2-4 shall be upgraded to comply with area limitations of the VUSBC.
- C-6 The access aisles adjacent to handicapped parking spaces are restricted in width by the placement of the building columns. A 5 foot clear width is required for the access aisles.
- C-7 Verify that the elevator cabs are sized to accommodate EMS stretchers.
- C-8 The enclosed parking structures shall be equipped with mechanical ventilation, fire sprinkler systems, and floor drains routed to a oil/water separator.
- C-9 A soils investigation report must be submitted with the building permit application.

- C-10 This structure contains mixed use groups and are subject to the mixed use and occupancy requirements of USBC313.0.
- C-11 Required exits, parking and facilities shall be accessible for persons with disabilities.
- C-12 Prior to the issuance of a building, demolition or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps to be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

Health Department:

- C-1 An Alexandria Health Department permit is required for all regulated facilities.
- Permits are non-transferable.
 - Permits must be obtained prior to operation.
 - Five sets of plans are to be submitted and approved by this department prior to construction of any facility regulated by the health department.
 - Plans for food facilities must comply with the Alexandria City Code, Title 11, Chapter 2. Food and Food establishments.
 - Pool plans must comply with Title 11, Chapter 11, swimming pools. Tourist establishments pools must have six sets of plans submitted.
 - Provide a menu or list of foods to be handled by this facility to the Health Department prior to opening.

Police Department:

The following recommendations related to lighting have not been included as conditions; rather, staff has recommended that the applicant prepare a lighting plan to the satisfaction of the Director of T&ES in consultation with the Police, which will likely result in lower lighting levels than those desired by the Police. The recommendation for 2.0 candles within the parking garage has been included within the staff report.

- R-1 Lighting on the sidewalk is to be a minimum 2.0 foot candles maintained.
(Not recommended by P&Z)

- F-1 A lighting plan was not included in the package.

Historic Alexandria (Archaeology):

- F-1 This property has the potential to yield archeological resources which provide insight into residential and commercial occupation of Alexandria's West End. The lot was part of the

1796 subdivision by John West, and several structures, including a bake house, were present by the late eighteenth and early nineteenth centuries. The Bontz site (44AX103) at the northeast corner of the property was excavated in the 1980's.

- F-2 The applicant must hire an archaeological consultant to prepare a Documentary Study (including a set of Ground Impact Maps), conduct test excavations for an Archaeological Evaluation, and complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.
- F-3 All archaeological preservation measures must be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance). To confirm, call Alexandria Archaeology at (703) 838-4399.
- F-4 The General Notes of the Preliminary and Final Site Plans must include the statement in C-2 above. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.

Parks & Recreation (Arborist):

No comments received from this department.

Virginia American Water Company:

- F-1 Water service is available for domestic use and fire protection.
- F-2 The existing ten-inch water main shown on Duke Street is no longer in service. Both the 12" and 24" mains in Holland Lane connect to the 20" main in Duke Street.
- F-3 A double detector check backflow prevention device is required on all fire services. If located inside the premise, it must have a remote sensing meter in a separate accessible room.
- F-4 VAWC reserves the right to determine the final placement of the water meter.
- F-5 Please add the following notes to the site plan.
- All water facility construction shall conform to the Virginia American Water Company Standards and Specifications.
 - Contact Virginia American Water Company at 703-549-7080, to coordinate construction and inspection of water facilities.

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 additonal 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 Royaltown 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

April 6 Planning Commission Hearing (Docket Item #7) - DSUP #2017-001 and SUP # 2017-0018

Agnes Muszynska <Agnes_Muszynska@msn.com>

DSUP2017-0001
Additional Materials
4/10/17

Mon 4/10/2017 6:33 PM

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

Cc: Agnes Muszynska <Agnes_Muszynska@msn.com>;

16 attachments (1 MB)

Aug 2, 2016_complaint (Call.Click.Connect).pdf; Aug 2, 2016_complaint (City staff response).pdf; Aug 15, 2016_complaint (City staff cc'd).pdf; Aug 22, 2016_complaint (City staff cc'd).pdf; Aug 27, 2016_complaint.pdf; Dec 4, 2013_complaint (Call.Click.Connect).png; Dec 2, 2016_complaint.pdf; Dec 8, 2016_complaint (City staff response).pdf; Feb 2, 2017_complaint.pdf; Feb 24, 2016_complaint.pdf; Feb 24, 2016_complaint (City staff cc'd).pdf; Jan 5, 2016_complaint (CallClickConnect).pdf; Jan 29, 2016_complaint trash-related.pdf; March 10, 2016_complaint.pdf; May 27, 2016_complaint.pdf; April 6, 2017_Docket No. 7_Comments from A. Muszynska copy.pdf;

Dear Planning Commissioners and City Staff,

I recently viewed the video of Docket #7 (Whole Foods "pub" proposal) discussed during the April 6 Meeting, for which I have submitted a written comment. I learned during the meeting that the Commission did not receive a history of violations summary to the existing DSUP in the Staff Report, which is customarily included as an important input. I was likewise surprised to learn that the Staff analysis did not find any record of complaints related to the existing DSUP submitted to the City since 2012 (presumably through the Call.Connect.Click system or Police Department logs). I am concerned that the Commission did not have complete/accurate information at its disposal when voting on this proposal. I would like to affirm that I have made formal complaints using a variety of channels that should in theory be "searchable", as have other residents. In short, there is no indication that the noise and other problems have been mitigated for good.

I am providing additional documents for the record, and for review and consideration prior to the City Council Hearing scheduled for April 22, 2017. Attached you will find three (3) separate formal complaints I filed using the Call.Connect.Click system, as well as four (4) correspondences in which City Staff from T & ES are either copied on the e-mails or responded directly to me, in addition to seven (7) correspondences appealing directly to Whole Foods or the condo's Building Manager with respect to non-compliance to posted rules (regarding after hours noise, idling/diesel pollution in fire lanes, and inattention to trash issues in front of Duke Street).

With the exception of one item, these are complaints solely from the year 2016 that I was able to find in my old e-mails. They do not include calls to the Police non-emergency number or records of face-to-face communication to try to resolve the issues one-on-one; nor do they include any efforts made by other residents. I have documentation with the exact same pleas going back each year to when the building was opened. I am providing only 2016 documents to underscore that the issues remain valid and have not been satisfactorily dealt with in spite of good faith and persistent efforts (I believe this partly due to the constant management turnover at Whole Foods and their inability to successfully internalize responsive business processes). In fact, most recently (from January 2017 to date), I have made seven (7) separate phone calls to Whole Foods to request their staff to immediately provide redress for either a truck idling on Georges Lane right in front of my window or a truck running its engine in the loading dock in excess of 10 minutes as I was trying to work. It did not occur to me that a complaint does not properly "count" from the City's perspective unless it is logged into the Call.Connect.Click system. If that is the case, it should be cautioned that the City may be at risk of making consequential decisions based on partial input, since most residents are unaware of the Call.Connect.Click system and may have used other means to voice their opinions (of course, many people also don't voice anything at all despite having major reservations). It is a bit disconcerting that, for example, phone calls to the Police non-emergency number don't seem to "show up" in the historical research (admittedly, I do not have a written record of the one or two phone calls I made to the Police, but I ask that my word is taken in good faith. I also know one other resident who has also used a variety of methods to voice his complaints and I'm not sure they are counted either). I have never met the one speaker at the hearing from the Carlyle Council, but his testimony was very much in line with my experience.

I also would like to use this correspondence to clarify a few other assumptions that were made at the hearing. The first assumption was that the developer included proper construction mitigation measures in the vicinity of the loading dock area, for those residents whose units are close by, so there is presumably no need for the City to intervene. I have no evidence whatsoever that any specific additional building materials were used for sound attenuation, and there was no sound study taken from my side of the building to corroborate an assumption that adequate measures were taken. On the contrary, all the documentation on this mixed-use site has consistently referred to a sensitivity about noise coming from Duke Street and effecting that side of the building. There is no mention of sound transmission coming from both open sides of the loading dock, as well as the lateral south side facing the bank building next door. The developer put in a concrete wall barrier separating the commercial from residential unit, but there is no special treatment in the loading dock, surrounding equipment in the loading dock (such as the compactor) or within the units themselves to attenuate sound traversing laterally across Georges Lane and bouncing back to the residential units above. The Association conducted a noise survey some years ago while I served on the Condo Board as Vice President or President, and I can attest that many residents simply stated that they don't open their windows at all due to sound/noise emanating from the loading dock. In that vein, I think the Commission and Staff should strongly entertain the possibility that a) proper mitigation measures were completely overlooked in the Georges Lane area near the loading dock, b) some residents are still adversely impacted by noise in the loading dock and have no redress, and c) the problems with the poor design of the loading dock are strongly exacerbated by Whole Foods (and their vendor) behavior in the loading dock during quiet hours. I would argue that if Whole Foods simply followed their own rules posted in the loading dock, the inadequacy of mitigation measures would be substantially minimized and would present an acceptable compromise.

The second significant claim that was brought up during the meeting was that the City has no jurisdiction over vertical noise transmission, and that this mixed-use building is an example of purely vertical transmission. As I just described, the noise does in fact laterally cross the property line through the loading dock, and then bounces back off the SHRM building across Georges Lane and to the units above. I have a hard time accepting the implication that my neighbor across the street has standing to request redress from noise in the middle of the night coming from the same source of the loading dock, whereas I would not. Moreover, the City has clear jurisdiction over trucks idling or parking in the fire lanes (Georges Lane and alongside the loading dock walls) or idling their engines for more than 10 minutes in the loading dock while unloading. In summary, the issues with Whole Foods have to do with store operations performed *outside* the physical store, not inside the store itself; specifically the loading dock, Georges Lane, and seating area along Duke Street where there are frequent trash issues.

The last assumption was brought up by a question by Mr. David Brown to Mr. Robert Kerns focused on whether the loading and unloading condition is technically violated when a tractor trailer shows up at 5am, makes noise, but doesn't actually start unloading until the prescribed time (of 7:00 am). The assumption was that trucks are not "approaching the scene" at all before 7:00 am. Yet, this is precisely what is happening on a given day (particularly on Monday and Friday mornings when there is more traffic). Outside my window, a truck will pull up anytime between 5:00 am and 7:00 am, wake me up with their air brakes, make a bit of noise (lately minimal, but enough to disturb my sleep), and then proceed to park on Georges Lane until 7:00 am. It is not unusual for their refrigeration unit to "kick in" every half hour or so. I should note that this is a vast improvement over pure unmitigated idling on Georges Lane, which went on for years and was unbearable, but the fact remains that a truck is parked in a fire lane with a clear City sign above.

The bottom line is this. Why is the City granting Whole Foods an amendment for expanded service when it has demonstrated over and over again that it is not fulfilling its obligations under the existing DSUP? This has been clearly substantiated by the many written complaints that span multiple years, even up to the present date. At the very least, Whole Foods should be required to demonstrate that its Delivery Rules are vigorously and uniformly enforced for some period of time (minimum of 6 months) before they are granted more responsibilities. At present, there is not one rule (of the 5 posted rules below) that has not been violated repeatedly. While many improvements have occurred, there is a lack of consistent application, particularly when there is a change in leadership. Vigorous efforts for improvement are followed by periods of seeming slack and indifference. This is all the more shocking since the store has been open for over 10 years already, and they still haven't figured out how to operationalize their own rules. My own experience suggests that Whole Foods becomes quite responsive when the City gets involved; otherwise, even a courteous e-mail gets ignored. Whole Foods did not respond to any of the e-mails I attached above which addressed for their attention. Residents especially need to have redress especially in cases of noise after hours when the store is closed. There is currently no such redress option. In addition, the City should work with Whole Foods to select a proper truck staging area to avoid parking and idling in Georges Lane before the store opens. This is imperative, and it does not appear that Whole Foods is positioned to do this on their own for whatever reason.

Whole Foods Delivery Rules (verbatim language from loading dock sign):

"NO deliveries before 7:00 am and after 9:00 pm Monday through Friday"

"NO deliveries before 9:00 am and after 9:00 pm Saturday and Sunday"

"NO idling on Georges Lane"

"ALL motors, both main and refrigeration, MUST be turned off while unloading"

"Trash removal before 7 am is NOT permitted Monday through Friday and before 9:00 am Saturday and Sunday"

Thank you again for your consideration, and I urge you to take a hard look at this DSUP in general. It has been many years since the site was approved and many things are not working as they should (for instance, there is no proper clearance in the upper driveway as enumerated by the conditions; trucks "stick out" of the loading bays because their dimensions exceed the spaces; there are dangerous driving conditions which have caused accidents and complaints because the turning radius is too tight and there is constant vehicle blocking; Whole Foods does not have 3 loading docks at its disposal unlike described in the original application; and it is counter productive to provide excessive parking at a site like this when the City's goal is to encourage people to use public transit). There are many lessons to be learned from this mixed development as a case study, and the opening of the DSUP allows for a needed re-examination. It seems that the Harris Teeter development does not suffer from similar short-comings, and it would be useful to examine the reasons for this.

Please do not hesitate to contact me if you have any questions related to this e-mail, or if I can provide any further information or clarification. I have lived in this building since its inception, and I have tried to work with Whole Foods as a Board member and resident for many years. Regrettably, the progress has been uneven, and I believe the City can make a positive difference by realigning the incentives for Whole Foods to "do the right thing".

Best Regards,
Agnes Muszynska
309 Holland Lane, Unit 109
Alexandria, VA 22314
703-965-4749

DSUP2017-0001
Additional Materials
4/10/17

Call.Click.Connect. #86941: Noise-Complaint -Const., Machines & Trains at 1700 DUKE ST

DSUP2017-0001
Additional Materials
4/10/17

CallClickConnect@alexandriava.gov

Tue 1/5/2016 11:03 AM

To: agnes_muszynska@msn.com <agnes_muszynska@msn.com>;

Dear Agnes Muszynska,

Thank you for contacting the City of Alexandria. Your request has been submitted. The details of your request are outlined below. If you wish to update this request or provide additional information, please call 703.746.HELP (4357), Monday – Friday, 8 a.m. to 5 p.m. (except **closed** 2 p.m. to 4 p.m. on the third Wednesday of each month), and a **Call.Click.Connect.** representative will assist you.

You may [check your ticket status online](#).

Call.Click.Connect.

YOUR GOVERNMENT @ YOUR FINGERTIPS!

Request Details:

- Approximate Address: 1700 DUKE ST (See [map below](#))
- Request ID: 86941
- Request Type: Noise-Complaint -Const., Machines & Trains
- Request Description: Please provide a description of this problem "Whole Foods repeatedly violates the posted loading dock "quiet hours" by having their trash compactor vendor arrive between 3am and 4am in the morning weekly and make noise in the loading dock (as it lifts and/or replaces the trash compactor). "
Please provide specific information regarding the location of this problem "Loading dock to the Whole Foods Market (Duke Street and Holland)"
If you have information about the party responsible for this problem, please provide it here. "Whole Foods trash compactor vendor (Whole Foods is the responsible party)"

Please address Whole Foods of the need for ALL their vendors (food delivery, trash compactor maintenance, after hours construction/mechanical vendors) to abide by the QUIET HOUR rules posted in the loading dock. The loading dock transmits noise and vibrations to the condo units above. I have been woken up several times in the middle of the night due to very loud noise in the loading dock from the Whole Foods vendors.

- Phone Number: 703-965-4749
- Email: agnes_muszynska@msn.com

Re: Whole Foods trash can - overflowing again

DSUP2017-0001
Additional Materials
4/10/17

Building Manager <royalton.mgr@gmail.com>

Fri 1/29/2016 2:35 PM

To: Agnes Muszynska <Agnes_Muszynska@msn.com>;

Duke and George? Not Duke and Holland?

Emma

On Fri, Jan 29, 2016 at 12:43 PM, Agnes Muszynska <Agnes_Muszynska@msn.com> wrote:

Hi there,

Can someone talk to WF and ask them to dump their trash can close to corner of Duke/George's ON A REGULAR BASIS? It's always full, I don't know how many times I've asked them already. I will file a complaint with the City if it keeps up - they're a business creating unsanitary conditions.

Thanks

Agnes

--

Building Manager
The Royalton @ King Street Metro Condominium
Office phone: 571-431-7570
E-mail: royalton.mgr@gmail.com
Royalton community website: <http://www.royaltoncondo.org/>

Fwd: Noise from Trash Compactor this Morning

DSUP2017-0001
Additional Materials
4/10/17

Building Manager <royalton.mgr@gmail.com>

Wed 2/24/2016 12:52 PM

To: Agnes Muszynska <agnes_muszynska@msn.com>;

I'll look into this and keep you posted.

Bruce

----- Forwarded message -----

From: **mindy lee** <mindyslee@gmail.com>

Date: Wed, Feb 24, 2016 at 8:32 AM

Subject: Noise from Trash Compactor this Morning

To: Building Manager <royalton.mgr@gmail.com>

Cc: "AEsposito (aesposito@comcast.net)" <aesposito@comcast.net>, Patricia Meyertholen <pmeyerth@gmail.com>, Nancy M <nancym99@gmail.com>, "Will Crowley (wcrowley@midpacificadvisors.com)" <wcrowley@midpacificadvisors.com>, "Em Hom (emmaroyalton@gmail.com)" <emmaroyalton@gmail.com>, KAUFMAN HOWARD <HKAUFMAN@zalco.com>

At 5:15 AM this morning, I heard noise and felt vibration that was mentioned by Agnes yesterday. I was already up, so I went downstairs to confirm the source. There was someone from Apple Trash company at the loading dock unloading one of the compactor bins. I told him that there are residents upstairs that get woken up by their activities. He was very apologetic and explained that it was his first time here (he is the backup guy) and there was nothing in the notes about residents/quiet hours (I'm assuming he's referring to notes he can review for his daily routes). He went on to explain that the reason for the noise is because the loading dock is lower than their trailer, so they end up "dropping" the bins. He then said that he will let his dispatcher know so that it can be added to the notes.

Bruce - Would you check with Sergio, Assistant Store Manager at Whole Foods, to confirm that he speak to someone at Apple about this issue? They should either bring a different trailer or find a way to gently lower the compactor.

Thank you,
Mindy

--

Building Manager

Royalton Condominiums

[309 Holland Lane](#)

[1700 Duke Street](#)

[Alexandria VA 22314](#)

Office phone: 571-431-7570

E-mail: royalton.mgr@gmail.com

Royalton community website: <http://www.royaltoncondo.org/>

Re: City works Service Request 86941

DSUP2017-0001
Additional Materials
4/10/17

Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>

Wed 2/24/2016 8:29 AM

To: Agnes Muszynska <Agnes_Muszynska@msn.com>;

Cc: Khoadinh Tran <KhoaDinh.Tran@alexandriava.gov>;

Dear Ms. Muszynska,
I will follow up with Whole Foods. Thank you for letting me know.

Lisa Goldberg
City of Alexandria
Office of Environmental Quality
703-746-4181

On Feb 24, 2016, at 6:58 AM, Agnes Muszynska <Agnes_Muszynska@msn.com> wrote:

Hello Ms. Goldberg,

I am am very disappointed to say that the situation has once again become untenable. I have participated in the last two monthly Condo Board meetings and requested the Whole Foods representative to please ensure that quiet hours are respected. I believe his name is Sergio although I don't believe he is the Store Team Leader. I was told the Store Team Leader who replaced Mr. Josh Spille a few months ago is Mr. Nick Miano.

To recap, this morning at 4:00 am sharp there was a vendor in the loading dock, then again at 5:15 am and then again at 6:40 am - all during "quiet hours". The first two vendors had a mechanical lift and were doing something with the trash compactor and made a lot of noise (my apartment shook at 5:15 am). The 6:40am vendor appeared to be a regular delivery arriving early. For the past few weeks, store employees also create noise (mostly yelling back and forth) around the loading dock at least two times a week, well after 10pm.

Lastly, if you could, please ask Whole Foods why they have excess furniture stored in a handicapped parking spot on the P2 level of the store near the store entrance. It seems like that spot should be fully unencumbered.

Thank you and I'm sorry to again bother you with this. Please let me know how it gets resolved.

DSUP2017-0001
Additional Materials
4/10/17

Sincerely,

Agnes Muszynska

309 Holland Lane, Unit 109

From: Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>
Sent: Thursday, January 14, 2016 4:25 PM
To: Agnes Muszynska
Subject: RE: City works Service Request 86941

Thank-you for the update, please contact me directly should this change.

From: Agnes Muszynska [mailto:Agnes_Muszynska@msn.com]
Sent: Thursday, January 14, 2016 4:23 PM
To: Lisa Goldberg
Subject: Re: City works Service Request 86941

Ms. Goldberg,

Thank you for getting back to me. I have not heard any noise between 3-4am since. Here and again, the food vendors arrive in the loading dock before 7am (like this morning at 6:30am).

I will ask my condo manager/board about the trash vendor for the condo and make sure they know the quiet hours.

Thank you for your help,

Agnes Muszynska

From: Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>
Sent: Thursday, January 14, 2016 11:20 AM
To: Agnes Muszynska
Subject: RE: City works Service Request 86941

DSUP2017-0001
Additional Materials
4/10/17

Ms. Muszynska,

Can you let me know if this has improved? I spoke with the manager at Whole Foods last week and he agreed to talk to his contractors. (He also let me know that there is a condo dumpster down there too that is served by another company).

Sincerely,

<image001.png>

Lisa Goldberg

Senior Environmental Specialist

Office of Environmental Quality

Transportation and Environmental Services

City of Alexandria

301 King St.

Alexandria, VA 22314

703-746-4181

From: Agnes Muszynska [mailto:Agnes_Muszynska@msn.com]

Sent: Tuesday, January 05, 2016 12:09 PM
To: Lisa Goldberg
Cc: Khoadinh Tran
Subject: Re: City works Service Request 86941

DSUP2017-0001
Additional Materials
4/10/17

Ms. Goldberg,

Thank you very much for your assistance. During the last incident which occurred a week ago, I tried to resolve this with Whole Foods directly but received no response. Please see e-mail attachment.

Sincerely,

Agnes Muszynska

From: Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>
Sent: Tuesday, January 5, 2016 11:44 AM
To: AGNES_MUSZYNSKA@MSN.COM
Cc: Khoadinh Tran
Subject: City works Service Request 86941

Ms. Muszynska,

Thank-you for contacting the City of Alexandria regarding noise violations from the Whole Foods Grocery Store located at 1700 Duke St. Our office will investigate. In the meantime, please know that should this disturbance occur again during non-office hours, you may contact the Alexandria Police Department for immediate attention.

Sincerely,

Lisa Goldberg

Fwd: Noise after 10pm

DSUP2017-0001
Additional Materials
4/10/17

Building Manager <royalton.mgr@gmail.com>

Thu 3/10/2016 2:35 PM

To: Agnes Muszynska <agnes_muszynska@msn.com>;

Agnes,

Here is the response we got from Whole Foods. The pressure washer must have been some truck mount type for the noise to be at the loading dock. Let's keep after these folks until they observe the quiet hours for the building. Thanks

Bruce Mathews

----- Forwarded message -----

From: **Sergio Pardo (MA OTN)** <Sergio.Pardo@wholefoods.com>

Date: Thu, Mar 10, 2016 at 12:06 PM

Subject: RE: Noise after 10pm

To: Building Manager <royalton.mgr@gmail.com>, "Nick Miano (MA OTN)" <Nick.Miano@wholefoods.com>, "Heidi Kim (MA OTN)" <Heidi.Kim@wholefoods.com>

Cc: Building Manager <nycehom@gmail.com>

Hello

We had few people here last night to power wash the back of the house area , was my fault as I failed to communicate with you . For the compactor , I instructed our receiver to shut down the compactor moving forward before they leave so no one can use it after 10pm this will solve the issue once for all .

Thanks

From: Building Manager [mailto:royalton.mgr@gmail.com]

Sent: Thursday, March 10, 2016 10:12 AM

To: Nick Miano (MA OTN) <Nick.Miano@wholefoods.com>; Sergio Pardo (MA OTN) <Sergio.Pardo@wholefoods.com>; Heidi Kim (MA OTN) <Heidi.Kim@wholefoods.com>

Cc: Building Manager <royalton.mgr@gmail.com>; Building Manager <nycehom@gmail.com>

Subject: Noise after 10pm

Nick, Sergio, Heidi,

We have been receiving complaints about noise after 10pm. Last night around 11pm residents heard what sounded like a generator 'blasting'. They stated that a silver contractor-type truck was possibly hooked up to electrical outlets in the loading dock and was running a generator type machine.

In addition, the compactor is still being used after 10pm on at least a weekly basis. Formal complaints may be filed by some of our residents. I'm hoping you can resolve these issues before that happens.

DSUP2017-0001
Additional Materials
4/10/17

Your help is appreciated.

Carol

--

Building Manager

Royalton Condominiums

[309 Holland Lane](#)

[1700 Duke Street](#)

[Alexandria VA 22314](#)

Office phone: [571-431-7570](tel:571-431-7570)

E-mail: royalton.mgr@gmail.com

Royalton community website: <http://www.royaltoncondo.org/>

--

Building Manager

Royalton Condominiums

309 Holland Lane

1700 Duke Street

Alexandria VA 22314

Office phone: 571-431-7570

E-mail: royalton.mgr@gmail.com

Royalton community website: <http://www.royaltoncondo.org/>

Loading dock - extreme bottlenecks

DSUP2017-0001
Additional Materials
4/10/17

Agnes Muszynska <Agnes_Muszynska@msn.com>

Fri 5/27/2016 12:44 PM

To: sergio.pardo@wholefoods.com <sergio.pardo@wholefoods.com>; nick.miano@wholefoods.com <nick.miano@wholefoods.com>;

Cc: Angelo Esposito <AEsposito@comcast.net>; mindy lee <mindyslee@gmail.com>; nancym99@gmail.com
<nancym99@gmail.com>; pmeyerth@gmail.com <pmeyerth@gmail.com>; Will Crowley <wcrowley@midpacificadvisors.com>;
Building Manager <royalton.mgr@gmail.com>; Agnes Muszynska <Agnes_Muszynska@msn.com>;

📎 8 attachments (9 MB)

2008-002_Parking_Resolution.pdf; thumb_DSCN4178_1024.jpg; thumb_DSCN4179_1024.jpg; thumb_DSCN4180_1024.jpg;
thumb_DSCN4181_1024.jpg; thumb_DSCN4182_1024.jpg; thumb_DSCN4183_1024.jpg; thumb_DSCN4184_1024.jpg;

Dear Whole Foods Team,

I brought this up in the last Board Meeting....could you please remove the unhooked WF trailer in one of your loading bays as soon as possible? Please refer to the attached Association Parking Policy (Page 2 - F and Page 4 -J, as well as Page 3 - D). **The loading areas and parking spaces are not allowed to be used as intermittent storage at any time.** The current trailer has been here since at least last Friday, May 20th (there are also goods stored in parking spaces on P-2 outside the storage cage).

There is already a major capacity issue at the loading bays during peak periods. Having one of your bays as "out of service" makes the situation even worse. I am attaching photos from the last two hours as I've been trying to get work done from home. I have constant noise and pollution to contend with outside my window, which is not a fair solution - I'm both a resident and customer of your store - and the loading dock and local rules are not being enforced.

- 1) Your vendors continue to block the drive aisle. The truck in the photo is actually positioned at an angle (not moving forward), making it very hard for any vehicle to enter/exit Georges Lane.
- 2) Vendors continue to idle on Georges Lane because back-ups occur.
- 3) The rules about turning engines off within 10 minutes are not being followed.
- 4) There is WF staff member at the loading dock during peak periods trying to direct the bunched-up traffic.

Please resolve these issues during peak periods. Removing the trailer immediately will help add capacity.

Thank you kindly for your attention to this matter.

Sincerely,
Agnes Muszynska
Royalton Condo Resident

Whole Foods Truck Noise

DSUP2017-0001
Additional Materials
4/10/17

Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>

Tue 8/2/2016 5:03 PM

To: AGNES_MUSZYNSKA@MSN.COM <AGNES_MUSZYNSKA@MSN.COM>;

Cc: Khoadinh Tran <Khoadinh.Tran@alexandriava.gov>;

Ms. Muszynska,

Thank-you for contacting the City of Alexandria regarding delivery truck idling noise associated with the Whole Food Store at 1700 Duke St. I will follow up with the management of this store to ensure that this activity does not continue. If there is any additional detail you wish to provide regarding this noise, please contact me at your convenience.



Lisa Goldberg
Senior Environmental Specialist
Office of Environmental Quality
Transportation and Environmental Services
City of Alexandria
301 King St.
Alexandria, VA 22314
703.746.4181

Call.Click.Connect. #102363: Air Pollution-Outdoors-Dust, Smoke, Soot, Other at 1700 DUKE ST

DSUP2017-0001
Additional Materials
4/10/17

Call.Click.Connect. <CallClickConnect@alexandriava.gov>

Tue 8/2/2016 3:57 PM

To: agnes_muszynska@msn.com <agnes_muszynska@msn.com>;

Dear Agnes Muszynska,

Thank you for contacting the City of Alexandria. Your request has been submitted. The details of your request are outlined below. If you wish to update this request or provide additional information, please call 703.746.HELP (4357), Monday – Friday, 8 a.m. to 5 p.m. (except **closed** 2 p.m. to 4 p.m. on the third Wednesday of each month), and a **Call.Click.Connect.** representative will assist you.

You may [check your ticket status online](#).

Call.Click.Connect.

YOUR GOVERNMENT @ YOUR FINGERTIPS!

Request Details:

- Approximate Address: 1700 DUKE ST (See [map below](#))
- Request ID: 102363
- Request Type: Air Pollution-Outdoors-Dust, Smoke, Soot, Other
- Request Description: Please select the out door air quality issue "Dust / Smoke / Soot"

Please provide a description of this problem "Whole Foods vendors violate VA DEQ rules on noise and air quality by running their engines for 30 or more minutes while unloading their goods."

Please provide specific information regarding the location of this problem "Whole Foods/condominium loading dock"

If you have information about the party responsible for this problem, please provide it here. "Whole Foods "

VA air quality regulations on Bus/Truck Idling Noise state "Vehicles may run their engines at idle for no longer than 10 minutes at any time according to State of Virginia Air Quality Regulations" (<https://www.alexandriava.gov/Noise#WhatisUnlawfulNoise>).

I have made multiple requests to Whole Foods for their (truck) vendors to stop running their engines while unloading in the loading dock. I work from home and hear constant noise because their trucks do not turn their engines off within the 10 minute window. They often run for 30 minutes or more, followed by another truck. They have a posted sign in the loading dock which states that all trucks must turn off their refrigeration units and engines within 10 minutes; yet, Whole Foods violates this and is completely unresponsive to requests to be a good neighbor and restrain noise and pollution from their operations. Moreover, they have peak periods during which their trucks block fire lanes in the loading dock and idle on Georges Lane, although they at least mostly turn their engines off on Georges Lane (although it's still illegal for them to park there).

Please contact them about this issue and please let me know when it will be resolved.

Thank you,

Agnes Muszynska

- Phone Number: 703-965-4749
- Email: agnes_muszynska@msn.com

Vendor arrival and noise at 2:20 am

DSUP2017-0001
Additional Materials
4/10/17

Agnes Muszynska <Agnes_Muszynska@msn.com>

Mon 8/15/2016 9:11 AM

To:sergio.pardo@wholefoods.com <sergio.pardo@wholefoods.com>; nick.miano@wholefoods.com <nick.miano@wholefoods.com>;

Cc:Lisa.Goldberg@alexandriava.gov <Lisa.Goldberg@alexandriava.gov>; Khoadinh Tran <Khoadinh.Tran@alexandriava.gov>; Agnes Muszynska <Agnes_Muszynska@msn.com>;

Whole Foods Team,

Could you please notify all of your vendors about quiet hours in the loading dock? This morning around **2:20 am**, I was woken to a beeping noise of a vendor backing up in the loading dock, followed by at least 10 minutes of very loud noise. When he flew by on Georges Lane on the way out, I took a quick look from my window and it was a truck cab with a cylindrical component that may look like a degreasing truck of some sort (although I am not sure). Loud noise at 2:20 am is unacceptable. **I have written you an e-mail on 7/25/16 about a very similar occurrence - it was probably the same vendor because he arrived at the same time. I have never received so much as a response to any e-mail from the current management team.**

Your delivery truck also continue to run their engines in the loading dock for more than 10 minutes which is against VA rules and the rules as posted in the loading dock. And there are serious problems on Mondays and Fridays when trucks are bunched up in the loading dock and blocking the fire lanes.

Please obey the rules as spelled out in the loading dock regarding quiet hours, deliveries, and idling. The after-hours activities in the loading dock have a very negative effect on residents who are trying to sleep. During the day, it is very difficult to work from home with the constant noise/idling of trucks that are not obeying the rules.

Thank you,
Agnes Muszynska
Royalton resident

FW: Vendor arrival and noise at 2:20 am Whole Foods Duke st

Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>

Mon 8/22/2016 9:42 AM

DSUP2017-0001
Additional Materials
4/10/17

To: Agnes Muszynska <Agnes_Muszynska@msn.com>;

Cc: Khoadinh Tran <Khoadinh.Tran@alexandriava.gov>;

Ms. Muszynska,

I received the following from Mr. Pardo, which should put an end to the early morning disruptions you have experienced.

Please let me know if it does not.

Sincerely,



Lisa Goldberg
Senior Environmental Specialist
Office of Environmental Quality
Transportation and Environmental Services
City of Alexandria
[301 King St.](#)
[Alexandria, VA 22314](#)
[703.746.4181](#)

From: Sergio Pardo (MA OTN) [mailto:Sergio.Pardo@wholefoods.com]

Sent: Thursday, August 18, 2016 2:37 PM

To: Lisa Goldberg

Cc: Khoadinh Tran; Nick Miano (MA OTN); Heidi Kim (MA OTN); Jasper Hackett (MA OTN)

Subject: RE: Vendor arrival and noise at 2:20 am Whole Foods Duke st

Hello Lisa

After doing some investigation we find out the company who comes to get the grease trap were the ones that came in at 2.20am however we did contacted their local office and talked to the supervisor they assure us won't happen again . As far as apple valley as I mentioned to you the cable that pulls the compactor is broken , we placed a service call, the part it's on order it should be fix within next week .

Thank you

From: Lisa Goldberg [<mailto:Lisa.Goldberg@alexandriava.gov>]
Sent: Thursday, August 18, 2016 9:24 AM
To: Sergio Pardo (MA OTN) <Sergio.Pardo@wholefoods.com>
Cc: Khoadinh Tran <Kho Dinh.Tran@alexandriava.gov>
Subject: RE: Vendor arrival and noise at 2:20 am Whole Foods Duke st

Mr. Pardo,

Thank-you for taking the time to address this matter this morning. We appreciate your efforts to have your suppliers comply with the City of Alexandria noise ordinance.

As we discussed, please send me by return e-mail a summary of your actions.

We will contact the CVS to determine if the 2:20 AM delivery is from one of their suppliers, any other information you may provide that could help us identify the source of this noise would be most appreciated.

Sincerely,



Lisa Goldberg
Senior Environmental Specialist
Office of Environmental Quality
Transportation and Environmental Services
City of Alexandria
[301 King St.](#)
[Alexandria, VA 22314](#)
[703.746.4181](#)

From: Agnes Muszynska [mailto:Agnes_Muszynska@msn.com]
Sent: Monday, August 15, 2016 9:11 AM
To: sergio.pardo@wholefoods.com; nick.miano@wholefoods.com
Cc: Lisa Goldberg; Khoadinh Tran; Agnes Muszynska
Subject: Vendor arrival and noise at 2:20 am

Whole Foods Team,

Could you please notify all of your vendors about quiet hours in the loading dock? This morning around **2:20 am**, I was woken to a beeping noise of a vendor backing up in the loading dock, followed by at least 10 minutes of very loud noise. When he flew by on Georges Lane on the way out, I took a quick look from my window and it was a truck cab with a cylindrical component that may look like a degreasing truck of some sort (although I am not sure). Loud noise at 2:20 am is unacceptable. **I have written you an e-mail on 7/25/16 about a very similar occurrence - it was probably the same vendor because he arrived at the same time. I have never received so much as a response to any e-mail from the current management team.**

Your delivery truck also continue to run their engines in the loading dock for more than 10 minutes which is against VA rules and the rules as posted in the loading dock. And there are are serious problems on Mondays and Fridays when trucks are bunched up in the loading dock and blocking the fire lanes.

Please obey the rules as spelled out in the loading dock regarding quiet hours, deliveries, and idling. The after-hours activities in the loading dock have a very negative effect on residents who are trying to sleep. During the day, it is very difficult to work from home with the constant noise/idling of trucks that are not obeying the rules.

Thank you,
Agnes Muszynska
Royalton resident

DSUP2017-0001
Additional Materials
4/10/17

Saturday vendor delivery at 6:40am

DSUP2017-0001
Additional Materials
4/10/17

Agnes Muszynska

Sat 8/27/2016 7:10 AM

To:sergio.pardo@wholefoods.com <sergio.pardo@wholefoods.com>; nick.miano@wholefoods.com <nick.miano@wholefoods.com>;

Cc:Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>; Khoadinh Tran <KhoaDinh.Tran@alexandriava.gov>;

Hello Whole Foods Team,

I was woken at 6:40 am this morning by one of your vendors from Lancaster, PA (small truck). After he ran his engine in the loading dock for over 15 minutes, I went downstairs and asked him if he knew about the 9am delivery hours on Saturdays. He replied he did not know anything about it. I had to show him the "rules" sign. Please loop back with this vendor and communicate the delivery hours.

Thank you,
Agnes Muszynska

Trucks running their engine in loading dock

DSUP2017-0001
Additional Materials
4/10/17

Agnes Muszynska

Fri 12/2/2016 2:11 PM

To: heidi.kim@wholefoods.com <heidi.kim@wholefoods.com>; jasper.hackett@wholefoods.com <jasper.hackett@wholefoods.com>;

 1 attachments (1 MB)

Whole Foods posted delivery rules.jpg;

Hello,

I am writing as a resident who lives above your store and works from home. This is in response to some trucks continuing to run their engine while in the loading dock (there is one doing so right now - it's the same truck that makes a delivery between 2-3pm daily). **Please enforce the rules you have posted on the wall ON ALL INCOMING deliveries.** While most trucks follow the rules and there has been substantial improvement over time, there are a few that don't. Those trucks create noise and pollution and a bad environment for residents who work/live above. This should be easy to do with the Receiver reminding the vendor that they cannot run their engine for more than 10 minutes per Alexandria/ VA rules.

Thank you for your assistance,
Agnes Muszynska
Royalton Resident Unit 109

#43236 CLOSED Noise-Complaint -Const., Machines & Trains - 1700 DUKE ST+

Status: closed

Description:

Please provide a description of this problem "On December 3rd, there was a truck delivery at 11:20pm (outside of quiet hours). Also, there is consistent truck stacking/idling/parking along Georges Lane (fire lane) because Whole Foods fails to control scheduling of its vendors. "

Please provide specific information regarding the location of this problem "loading dock and Georges Lane"

If you have information about the party responsible for this problem, pl [See attached file for full comment.]

Location: 1700 DUKE ST ([Show map](#))

Requested Date: Wed Dec 04 2013 17:27:00 GMT-0500 (EST)

Request Updated: Mon Jan 06 2014 11:45:00 GMT-0500 (EST)

RE: Clarification on Whole Foods After Hours Work

DSUP2017-0001
Additional
Materials
4/10/17

Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>

Thu 12/8/2016 2:32 PM

To: Agnes Muszynska <Agnes_Muszynska@msn.com>;

Cc: Khoadinh Tran <Khoadinh.Tran@alexandriava.gov>;

 1 attachments (2 MB)

Alexandria City noise code.pdf;

Ms. Muszynska,

I just spoke with Ms. Kim regarding the City noise ordinance. We reviewed the allowable work hours and procedures for applying for a variance. Ms. Kim noted that the majority of work was done last night and that she would ensure the contractors take care to continue the remaining portion of the work tonight to avoid disturbance to neighbors. Going forward, Ms. Kim will ensure that store operations comply with the City code.

Regarding your questions about the use of variances, they are reviewed on a case by case basis. We take into account the proximity of residents to the work location, the length and necessity of the work request. Some applications are denied and some are approved with conditions specific to the request.

I encourage you to share the attached noise ordinance with your building manager and fellow residents and devise communication systems to ensure that your concerns are addressed in the future.

Sincerely,



Lisa Goldberg
Senior Environmental Specialist
Office of Environmental Quality
Transportation and Environmental Services
City of Alexandria
[301 King St.](#)
[Alexandria, VA 22314](#)
[703.746.4181](#)

From: Agnes Muszynska [mailto:Agnes_Muszynska@msn.com]

Sent: Thursday, December 08, 2016 11:47 AM

To: Lisa Goldberg

Subject: Re: Clarification on Whole Foods After Hours Work

Ms. Goldberg,

I was told that Sergio is no longer there and that Heidi Kim is the point person. I believe her e-mail is Heidi.Kim@wholefoods.com

I would really appreciate the City's guidance on situations like this because we live in a mixed-use building and I understand that Whole Foods sometimes needs flexibility to conduct their business and do some things after-hours. However, I don't know how to strike a balance between protecting residents while enabling some flexibility. How does a City determine whether a variance is warranted, and how are potentially burdened parties (residents) taken into account? Do they (or should they) have a say in the matter and, if so, then how? I would appreciate any open dialogue and clear understanding of what should be expected (from residents and Whole Foods) so that all parties can work better together in the future. It would greatly help if our Building Manager was clear on the rules as well - otherwise, situations like this are bound to continue.

Thank you for your quick response,
Agnes Muszynska

From: Lisa Goldberg <Lisa.Goldberg@alexandriava.gov>
Sent: Thursday, December 8, 2016 11:26 AM
To: Agnes Muszynska
Subject: RE: Clarification on Whole Foods After Hours Work

Ms. Muszynska,

Yes, a noise variance permit would be required for the type of work described below, and we have not issued one. We will follow up, although I only have contact information for Sergi Pardo.

Do you have the contact information for this manager?



Lisa Goldberg
Senior Environmental Specialist
Office of Environmental Quality
Transportation and Environmental Services
City of Alexandria
[301 King St.](#)
[Alexandria, VA 22314](#)
703.746.4181

From: Agnes Muszynska [mailto:Agnes_Muszynska@msn.com]
Sent: Thursday, December 08, 2016 10:41 AM
To: Lisa Goldberg
Cc: Agnes Muszynska
Subject: Clarification on Whole Foods After Hours Work

Hello Ms. Goldberg,

I hope you can provide some clarification on the question of after-hours work and the noise ordinance. As you can see below, all the residents of my condo building received a same-day notice from our Building Manager that Whole Foods would be engaged in work that would generate noise **between 10:30 pm and 7:00 am**. My question is, in this instance, can Whole Foods embark on this as a matter of right? If not, do they need to ask for a noise variance or other permit from the City? If so, did they get permission from the City to perform this work last night and today?

The noise last night was loud, disruptive, and went on all night. I would like to confirm what the procedure is in situations like this as far as the noise ordinance is concerned and whether Whole Foods needed to clear this with the City first. They have had some turnover in their management ranks and I was told that Ms. Heidi Kim is now the point person over there.

Thank you,
Agnes Muszynska
309 Holland Lane, Unit 109
703-965-4749

From: The Royalton at King Street Metro <royalton.mgr@gmail.com@mail74.atl11.rsgsv.net> on behalf of The Royalton at King Street Metro <royalton.mgr@gmail.com>

Sent: Wednesday, December 7, 2016 10:14 AM

To: agnes_muszynska@msn.com

Subject: Whole Foods After Hours Work

[View this email in your browser](#)

Whole Foods After Hours Work

Residents,

Whole Foods will be changing out their retail refrigerator and freezer display units tonight and tomorrow night (Wednesday the 7th & Thursday the 8th) between 10:30pm & 7:00am. Due to the size of the units, they must be taken in and out of the building through the main doors at Holland Lane. The contractors performing the work have been instructed to unload and load these units as quickly and as quietly as possible to minimize the noises throughout the night, but there will be some noises heard that are louder than normal and somewhat disturbing.

Your understanding concerning the need to perform this work during after hours will be greatly appreciated.

DSUP2017-0001
Additional Materials
4/10/17

Loren Crookshanks
The Royalton Building Manager
Office Phone: (571) 431-7570
Email: royalton.mgr@gmail.com

*The board meetings are held every fourth Tuesday of every month at 7 PM in the Library. You can find condominium documents on our [website](#).

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You are receiving this email because you opted in to receive information about the community.

Our mailing address is:

The Royalton at King Street Metro Association
309 Holland Lane
Alexandria, VA 22314

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[Update Profile](#)



Re: Trash compacting after 10pm

DSUP2017-0001
Additional Materials
4/10/17

Building Manager <royalton.mgr@gmail.com>

Thu 2/2/2017 12:48 PM

To: Agnes Muszynska <Agnes_Muszynska@msn.com>;

I walked over there and there was already some discussion on the compacting. They said the door is closed and no one should be doing anything after 10:00PM. [There is a meeting tomorrow night and it will be brought up again.](#) I told them I didn't want to hear from residents again about the compacting and to take care of it.

I'll speak to the new manager tomorrow (not in today) if it continues.

Emma

On Wed, Feb 1, 2017 at 10:35 PM, Agnes Muszynska <Agnes_Muszynska@msn.com> wrote:

It's 10:34 now and the compacting continues...

Agnes

From: Building Manager <royalton.mgr@gmail.com>
Sent: Wednesday, February 1, 2017 10:08 AM
To: Agnes Muszynska
Subject: Re: Trash compacting after 10pm

Sent them a message. Let me know if it continues.

On Tue, Jan 31, 2017 at 10:43 PM, Agnes Muszynska <Agnes_Muszynska@msn.com> wrote:

Hi Loren,

Could you talk to the WF Team Lead and ask them to stop compacting the trash after 10pm? It's 10:40 as I write this and I just heard two rounds of compacting. The last Team Lead said he locked the receiving door by 10pm and that seemed to do the trick, but he's gone and now it's back to square one.

Thanks
Agnes

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