

DATE: May 12, 2015

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0038
Administrative Review for New Use
Site Use: Restaurant (Coffee Shop) and Outdoor Dining
Applicant: Starbucks Corporation
Location: 5782 Dow Avenue
Zone: CDD#17 / Coordinated Development District #17

Request

Special Use Permit #2015-0038 is a request to operate a new Starbucks restaurant in approximately 1,845 square feet of tenant space on the ground level of Building #3 at the Modera Tempo complex, formerly known as Landmark Gateway. The proposed business would offer coffee drinks, tea, other hot and cold beverages, breakfast food, sandwiches, and other light fare similar to other Starbucks locations. The applicant proposes to offer 36 indoor seats and six outdoor seats for a total of 42. The hours of operation are proposed to be 7 a.m. to 10 p.m. daily. No alcohol, live entertainment, or food delivery service would be offered.

Background

City Council approved DSUP#2011-0030 in January 2012 for the construction of the three-building Modera Tempo (Landmark Gateway) complex. A parking reduction and TMP SUP were also approved as part of the project. The tenant space in question is one of at least five ground-level tenant spaces in which retail uses were anticipated to operate.

Parking

DSUP approval for Modera Tempo stipulated that 53 off-street parking spaces are required for all commercial uses at the site. The applicant satisfies this parking requirement with its pro-rated share of the surface parking spaces located on interior streets within the complex and around the interior plaza between Buildings #1 and #3. Although not officially counted toward the number of spaces provided by the applicant, 11 new on-street spaces were also created along South Pickett Street in connection with the Modera Tempo redevelopment.

Community Outreach

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed new business has been sent to the Cameron Station Civic and Community Associations, the Lofts Condominiums, the Templeton I Council of Co-Owners, and the Council of Co-Owners of the Wapleton Condominium. Staff has received email correspondence from the Cameron Station Civic Association, which raised concerns with staff about bright signage already existing at the building, the overall appearance of the retail

storefronts along South Van Dorn Street, the lack of landscaping immediately in front of the tenant space, and the use of an opaque film over the windows of the tenant space that fronts onto South Van Dorn Street. Staff has worked with the applicant and property owner regarding a variety of site changes to address these concerns, many of which have been incorporated into this report.

Staff Action

Staff supports the SUP request for a new Starbucks location on the ground-level of the Modera Tempo Building #3. The opening of a new restaurant in this location supports the mixed-use vision of the Landmark-Van Dorn Corridor Plan as well as the Modera Tempo DSUP approval, which specifically anticipated retail/restaurant tenants on the ground-level of the building. Staff also notes that, as a “coffee shop” restaurant, the proposal is eligible for administrative approval pursuant to Section 11-513(L)(2) of the Zoning Ordinance. It is believed that the proposal marks the second business which has used the special “coffee shop” eligibility criteria for Administrative SUP approval that was first established in 2010.

The applicant and the property owner, following conversations with staff, have responded well to the concerns raised by the Cameron Station Civic Association. In place of standard internally-illuminated channel letters for its wall signage, the applicant now proposes to use “halo-lit” channel letters, which will reduce the amount of light emitted from proposed signs and will give the storefront an overall softer appearance. Staff has required such signage in Condition #12 of this report. The applicant has also agreed to, and staff has required in Condition #13, the installation of a few potted plants along the South Van Dorn Street frontage of the building in response to concerns that this frontage lacked the landscaping present near other tenant spaces to the south in Building #3. Although not an explicit SUP requirement, staff also notes that the property owner has also agreed to install new awnings along the South Van Dorn and South Pickett Street frontages of Building #3 in order to enhance the overall appearance of the building and to provide a degree of design coordination among the retail tenants.

The most discussed part of this SUP request has been the potential installation of a semi-opaque film over all of the windows of this tenant space that face South Van Dorn Street, as well as some of the windows facing Dow Avenue. Staff has been concerned that the film would effectively block these windows from being viewed from the street and result in an excessive amount of inactive, blank wall space along South Van Dorn Street. After considerable discussions with the applicant regarding a potential redesign of the interior layout of the restaurant, which were unsuccessful, staff ultimately has no objection to the use of film here. Unlike any of the other retail spaces in the building, this tenant space has a grade difference of approximately six feet between its floor and the sidewalk along South Van Dorn Street. The grade difference, which also makes impractical the installation of a second door on this side of the building, precludes meaningful views into the store through these windows if unblocked. Staff has therefore included Condition #11 in this report, which allows certain windows to be blocked by no more than a 50% transparent film. The interior plaza façade would not be allowed to be blocked pursuant to Condition #10, which is consistent with the approach taken for other SUPs in Modera Tempo Building #3.

Staff has included several additional standard conditions of approval in this report to address matters such as noise, odors, and trash, particularly given that the space is located below residences. Condition #20 also prohibits delivery trucks from parking on either South Van Dorn or South Pickett Streets. Given that Dow Avenue is covered by an emergency vehicle easement, the only delivery location available to the applicant would be the loading dock on the eastern side of Building #3.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: May 12, 2015
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Considerations
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-0038

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats at the restaurant shall be 36. The maximum number of outdoor seats at the restaurant shall be six. (P&Z)
3. The hours of operation for the indoor portion of the restaurant shall be limited to between 7 a.m. and 10 p.m. daily. For indoor seating, meals ordered before 10 p.m. may be sold, but and no new restaurant patrons may be admitted after 10 p.m. and all patrons must leave by 11 p.m. The outdoor dining area shall be cleared of customers by 10 p.m. daily and washed at the close of each business day that it is in use. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)
6. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)
7. No alcohol service shall be permitted at the restaurant. (P&Z)
8. No live entertainment shall be allowed at the restaurant. (P&Z)
9. No delivery service of food to customers shall operate from the restaurant. (P&Z)
10. The applicant shall maintain open views into the restaurant from the interior plaza frontage of the tenant space and the eastern-most group of windows on the Dow Avenue frontage of the tenant space to the satisfaction of the Director of Planning & Zoning. Interior storage cabinets, carts, window signs, posters, shelving, boxes, coat racks, storage bins, closets and similar items shall not block the visibility of the interior of the restaurant from the interior plaza. The applicant may display goods in display cases that are oriented toward the plaza. (P&Z)
11. Any film or other covering on the windows of the tenant space facing Dow Avenue (except for the eastern-most group of windows) and South Van Dorn Street shall be at least 50% transparent to the satisfaction of the Director of Planning & Zoning. Such film or covering shall not include signage unless separate sign permit approval has been granted by the Director of Planning & Zoning. (P&Z)

12. All signage at the site shall comply with Condition #46 and #47 of DSUP#2011-0030 and all other applicable codes and ordinances. If signage is erected on the frontage of the tenant space facing the interior plaza, the applicant shall also install signage on the South Van Dorn Street and Dow Avenue frontages of the tenant space. If signs erected on the frontages of the tenant space are illuminated, said signs, except for any blade or projecting signs, shall be halo-lit to the satisfaction of the Director of Planning & Zoning. (P&Z)
13. The applicant shall install at least three potted plants along the South Van Dorn Street frontage of the tenant space to the satisfaction of the Director of Planning & Zoning. (P&Z)
14. 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)
15. No food, beverages, or other material shall be stored outside. (P&Z)
16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
17. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
18. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
19. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 10:00pm and 7:00am. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (T&ES)
21. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
22. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)

23. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
24. 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)
25. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations, or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- F-1 The building footprint is outside of the floodplain boundary. As such, this project is not subject to the floodplain regulations found in the ordinance. However, it is advised that project owners/operators become aware of the risks associated with the location of existing floodplains and it is recommended that project owners/operators located in known flood zones make improvements that protect the property from flood related damages. (T&ES)
- R-1 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 10:00pm and 7:00am. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (T&ES)
- R-5 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-6 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-7 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
- R-8 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)

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Administration

- F-1 No comments received

Health Department

Food Facilities

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.
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.
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.
4. A Food Protection Manager shall be on-duty during all operating hours.
5. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
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.
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.

Parks & Recreation

- F-1 No comments received

Police Department

F-1 No comments received

Fire Department

F-1 A fire prevention permit may be required if total occupant load (including staff and occupants) exceeds 49.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0038. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5782 Dow Avenue.

Applicant – Signature

Date

Applicant – Printed

Date