City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2016-0036
Approved by Planning and Zoning:	July 1, 2016
Permission is hereby granted to:	Fusion Learning Inc.
to use the premises located at:	333 John Carlyle Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

7/1/16
Date

KARL MORITZ/AD
Karl Moritz, Director
Department of Planning and Zoning

DATE: July 1, 2016

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

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2016-0036
Administrative Review for a New Use
Site Use: Private Academic School
Applicant: Fusion Learning Inc.
Location: 333 John Carlyle Street
Zone: CDD #1: Duke Street Coordinated Development District

Request

Special Use Permit #2016-0036 is a request to operate a private academic school at 333 John Carlyle Street of approximately 10,000 square feet. The applicant proposes to operate a private academic school under the trade name, Fusion Academy, which would offer individualized tutoring and one-on-one classroom instruction for middle-school and high-school aged students. Teaching instruction includes all subjects required for graduation in the Commonwealth of Virginia, SAT test preparation, tutoring, and additional academic support for students. The applicant would utilize a combination of individual tutoring rooms, group learning rooms, specialty teaching rooms for subjects such as music, arts, and science, and group study rooms for academic uses. Additional space would be utilized as teacher break rooms and for administrative purposes.

The applicant proposes up to 74 students on site during the hours of operation, which would be supported by a staff of up to 36 instructors and administrators. The applicant indicates approximately 75% of students would be of high-school age and the remaining 25% would be middle-school aged. The proposed hours of operation are 7:00 a.m. – 9:00 p.m., daily during the week, and by appointment only during the same hours on weekends. Fusion Academy offers students flexible course schedules so that educational instruction fits around student schedules. Experience at other Fusion Academy sites suggests students are typically on campus for an average of four to six hours per day, with most students present during the middle of the day.

Students would be primarily dropped off and picked-up from the campus, but would have access to parking in the on-site underground garage. The applicant is independently pursuing the establishment of a loading zone of two to three parking spaces located along John Carlyle Way immediately in front of the subject site to facilitate student pick-up and drop-off.

Background

The Carlyle Master Plan was first approved by SUP #2253 in 1990 and has gone through subsequent amendments as the site has been developed. Specifically, City Council approved SUP #2253 for the development of a mixed-use development with retail, office, residential, hotel, and

amenity uses. In June 1996, City Council approved SUP #96-0089 to amend the development plan for the subject building, known as Carlyle Block C to reallocate previously approved retail uses to office and residential uses. The subject building, located at 333 John Carlyle Street, was built under site plan SIT #97-0032.

City Council approved SUP #2003-0070 in September 2003 for the operation of a deli-type restaurant. Subsequently, staff administratively approved change of ownership requests for the restaurant use with SUP #2005-0058 in September 2005 and SUP #2007-0038 in June 2007. By the end of 2012 the restaurant use had closed and the site remained vacant until March 2016. In April 2012, City Council approved SUP #2012-0006 for the whole Carlyle Development which allowed second floor retail uses in ground floor retail areas and to allow ground-floor business and professional office uses in specifically designated locations in blocks G and K. Conditions first established in SUP #2012-0006, and carried forward to the current governing SUP in the Carlyle area, permit public and private schools by an Administrative SUP. In March 2016, staff administratively approved SUP#2016-0003 for a ground-floor restaurant use with outdoor dining in the tenant space adjacent to the proposed private academic school, also addressed as 333 John Carlyle Street.

Parking

According to Section 8-200(A)(11) of the Zoning Ordinance, a high school requires one parking space for every ten classroom seats. The applicant proposes 74 seats and would therefore be required to provide eight off-street parking spaces. Staff identified classroom seats as follows:

Student Seats	Description of Use
25	25 one-on-one classrooms
29	Four group learning rooms for up to six to nine students
20	Two Group Study Rooms for up to ten students
74	Total Seats

The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254) and the private academic school parking requirements will be met in the on-site parking garage. In addition to meeting the parking requirements through the on-site garage, the applicant has leased 22 parking spaces for staff, students, and teachers to use throughout the day. The current garage hours are 7:00 a.m. to 7:00 p.m. weekdays with weekend access by key card only.

As the below-ground garage has daily weekday hours of 7:00 a.m. to 7:00 p.m. while the applicant's hours of operation are 7:00 a.m. to 9:00 p.m. the applicant has indicated they will provide an access key card to garage users who have identified a need for parking spaces from 7:00 p.m. to 9:00 p.m. Those potential users include staff who work in the evening and students who have registered for evening classes. The applicant has indicated the garage will soon expand to include weekend hours; but prior to the expansion of weekend hours, the applicant will track students and staff on-site for weekend classes and distribute key access cards to access the garage on weekends.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Royalton at the King Street Metro Condominium Association, the Carlyle Towers Condo Unit Owners Association and the Carlyle-Eisenhower Civic Association were sent an e-mail with information about the current application. Staff received one public comment in regards to the proposed timing for the arrival and departure of students.

Staff Action

Staff finds the applicant's request for a private academic school at 333 John Carlyle Street reasonable. The new use will fill a long-term ground-floor vacancy at a prominent corner in the Carlyle area and generate additional ground-floor activity.

Staff did receive one public comment in regards to the proposed private academic school use and potential concerns with traffic between new students and the existing office workers at the Patent and Trade Office. Staff reviewed the concern with the Department of Transportation and Environmental Services and determined the potential impacts were low. In addition, the applicant indicated most students will be on-site during the middle of the day and their arrival and departure does not coincide with traditional office hours. Nonetheless, staff included Conditions #3 and #4 to ensure that the pick-up and drop-off of students does not negatively impact traffic patterns in the area. In addition, Condition #15 was included to ensure the applicant maintains off-street parking for students and staff.

The Carlyle Retail Amendment, SUP #2012-0006 allows administrative approval of private academic schools in the Carlyle area, and staff has carried forward requirements of private academic approval under Condition #3 regulating school activity. Standard conditions with regard to trash disposal, crime prevention and safety planning, litter removal, and noise were included as conditions #6, #7, #9, and #10 respectively. A standard condition on SUP review and training of staff on all SUP conditions was updated to include outreach to parents on relevant SUP conditions as Condition #8. Staff has included Conditions #12 - #16 to: encourage off-street parking of staff and students through the requirement of staff to park off-street in Condition #12; the establishment of a public transportation benefits program for employees in Condition #13; information on alternative transportation options in Condition #14; the provision of information of off-street parking options for students in Condition #15; and the applicant's requirement to maintain a parking agreement for 22 off-street parking spaces in Condition #16.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 1, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0036

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 students which may attend the Fusion Private Academic School at any one time shall be 74 students. (P&Z)

3. The facility shall obtain all required state, federal and local licenses and certificates prior to opening its place of business. (P&Z)

4. Applicant shall ensure that no vehicles double park on public streets for pick-up or drop-off. (P&Z)

5. Provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic. (P&Z)

6. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (P&Z)

7. The applicant shall contact the crime prevention unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to the operation of the business. (P&Z)

8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. The applicant shall also inform parents on an ongoing basis, including as part of any parent orientation, of all applicable Special Use Permit provisions and requirements. (P&Z)

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 to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (T&ES)

10. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

11. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

12. The applicant shall require its employees who drive to use off-street parking. (T&ES)

13. The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of approval, the business shall contact the Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

14. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)

15. The applicant will encourage students to park off-street through the provision of information about nearby garages on the school website, enrollment materials, and other means of communication. (T&ES)

16. The applicant shall maintain an up-to-date parking agreement for 22 off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)

17. The Director of Planning and Zoning shall review the special use permit one year after approval 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 a 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 Requests for removal of metered parking for a drop off zone must be reviewed and approved by the Traffic and Parking Board. (T&ES)

R-1 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 to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (T&ES)

R-2 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-3 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-4 The applicant shall require its employees who drive to use off-street parking. (T&ES)

R-5 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of approval, the business shall contact the Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

R-6 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)

R-7 The applicant will encourage students to park off-street through the provision of information about nearby garages on the school website, enrollment materials, and other means of communication. (T&ES)

R-8 The applicant shall maintain an up-to-date parking agreement for 22 off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES)

City Code Requirements:

C-1 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-2 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)

Fire Department

C-1 No comments or concerns. However, this appears to be a change in use that will require additional scrutiny by the Code Administration Department.

Health Department

C-1 An Alexandria Health Department Permit is required for all regulated facilities that are serving and/or preparing food. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another.

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.

Code Administration:

F-1 The following comments are for special use permit review. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review division at Charles.cooper@alexandriava.gov or 703-746-4197.

C-1 A building permit along with a plan review and inspections will be required prior to the start of renovations to this existing structure.

C-2 Advanced plan review is recommended for this project to determine use group and occupancy requirements prior to the building permit plan review.

C-3 This is a change of use and accessibility requirements will need to be in compliance with the applicable building code

C-4 Age groups of enrolled students and classroom locations will be required to be provided.

C-5 A site walk-thru to determine full scope of work for proposed academy is recommended prior to special use permit approval.

C-6 Provide existing construction type of building and level of fire protection for this space.

Parks and Recreation:
No comments received.

Police Department:
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0036. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the Private Academic School at 333 John Carlyle Street.

Applicant – Signature — Date: 7/5/16

SCOTT J. POWLLIS
Applicant – Printed
CONSTRUCTION MGR.

Date: 7/5/16.