

Docket Item #10
SPECIAL USE PERMIT # 2005-0117

Planning Commission Meeting
January 3, 2006

ISSUE: Consideration of a request for a special use permit to operate a day labor agency.

APPLICANT: Ace Temporaries, Inc.
by M. Catherine Puskar, attorney

LOCATION: 444 Swann Ave

ZONE: I /Industrial

PLANNING COMMISSION ACTION, JANUARY 6, 2006: On a motion by Mr. Robinson, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinance and staff recommendations with an amendment to condition #19 to provide funds for two litter receptacles. The motion carried on a vote of 7 to 0.

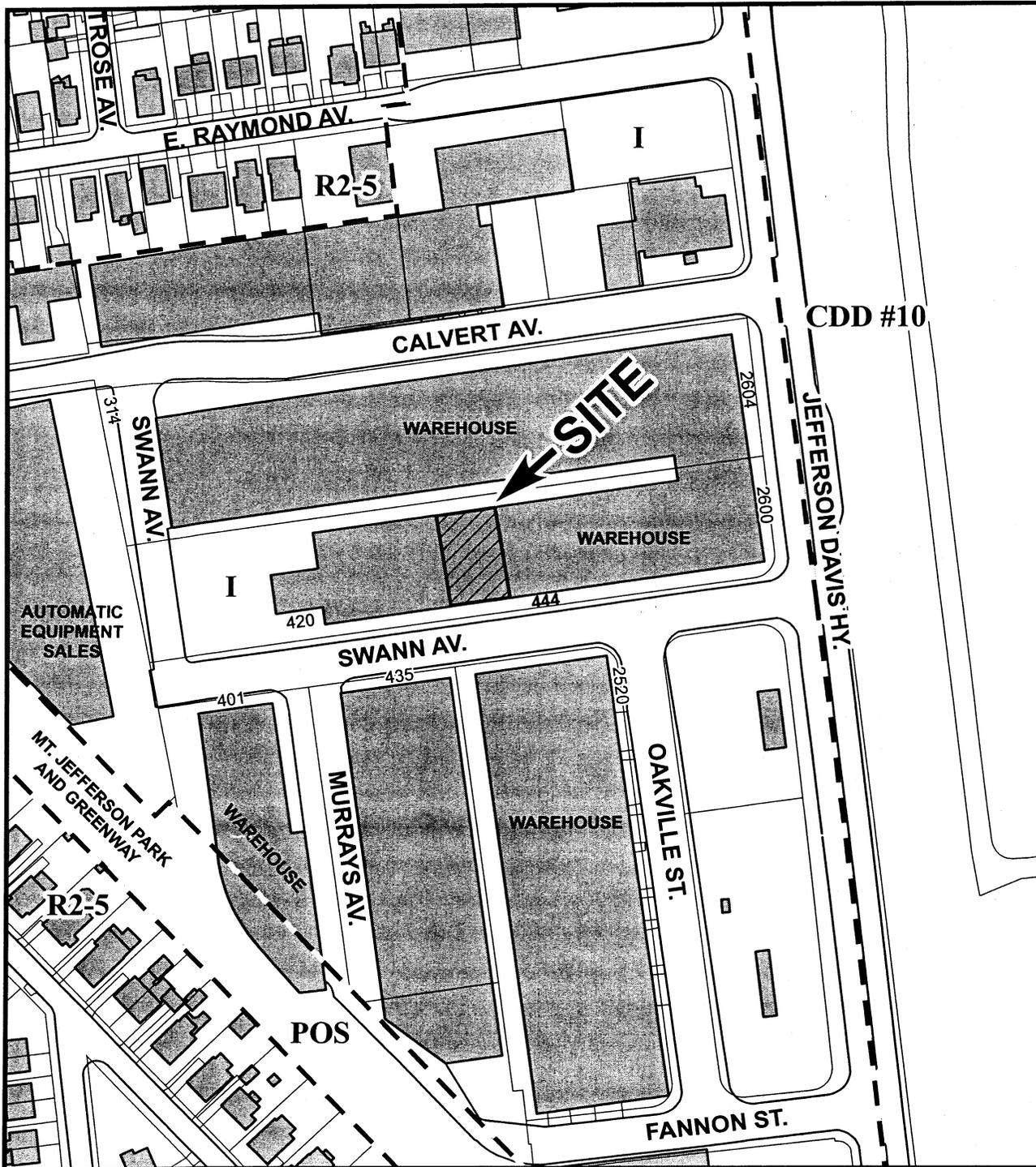
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Amy Slack representing the Del Ray Civic Association spoke regarding the application, indicating that the association met with the applicant and that the applicant has agreed to the conditions recommended by the Association, including restoring the size of the waiting room to at least the original size approved by the Association.

Catharine Puskar, attorney, spoke in support of the application, stating that the applicant agreed to all of staff's conditions and further stating that the size of the waiting room will be of a size at least that which was originally represented to the Del Ray Civic Association and further that the applicant intends to proceed with all due haste to move the operation from 717 Pendleton to 444 Swann Avenue with the intent of doing so within four months, taking into account time required for the applicant to submit their permit plans, for the City to review and approve such plans, and for the applicant to make the improvements per the approved permit.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2005-0117

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I. DISCUSSION

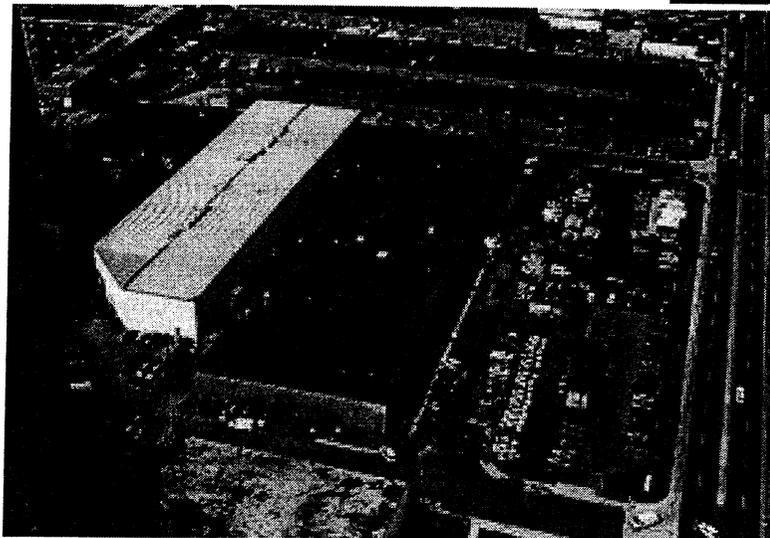
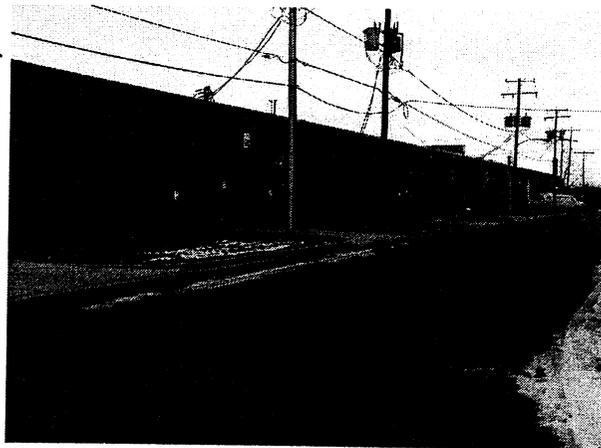
REQUEST

The applicant, Ace Temporaries, Inc. requests special use permit approval for the operation of a day labor agency located at 444 Swann Avenue, Unit D.

SITE DESCRIPTION

The subject property is one lot of record with 548 feet of frontage on Swann Avenue, 104 feet of frontage on Jefferson Davis Highway and a total lot area of 87,005 square feet. The site is developed with a one story industrial building as part of the Oakville Industrial Park. Access to the property is from Swann Avenue.

The surrounding area is occupied by a mix of industrial and commercial uses. Immediately to the north is an industrial building, which is also a part



of the Oakville Industrial Park. To the south, across Swann Avenue are industrial uses and a used car operation. To the east is Jefferson Davis Highway and vacant land to be developed as part of the Potomac Yard project and to the west are industrial uses. The closest residential use to the proposed use is approximately 450 feet to the southwest.

BACKGROUND

The applicant has operated a day labor agency in the City for the past 11 years. Its current business is at 717 Pendleton Street, where it has been located since 1998. In 1999, the City passed an ordinance allowing day labor agencies in certain zoning districts only with a Special Use Permit. Existing day labor agencies, such as this one, were required to either obtain a Special Use Permit or cease operations.

The applicant requested a SUP in November 2000 for the continued operation of a day labor agency at 717 Pendleton Street. That application was denied and the applicant was given a 90 day period to relocate the business. Subsequent to the SUP denial in 2000, the applicant challenged the City's zoning regulations, through appeals to the Board of Zoning Appeals and the Circuit Court for the City of Alexandria. The Circuit Court overturned the 1999 day labor ordinance on procedural grounds in July 2003.

In January 2004, the City amended its zoning regulations with regard to the requirements for operation of a day labor agency in the City. All day labor agencies which existed on October 7, 2003 for which a Special Use Permit was not granted were deemed to be nonconforming uses and were to be discontinued. The City passed an Ordinance in February 2004 that required the discontinuance of such day labor agencies within 12 months of the date that the use was first notified of its nonconforming status. In February 2004, the City advised the applicant that it had 12 months to cease its day labor agency operations at 717 Pendleton Street. The applicant appealed the City's determination to the Board of Zoning Appeals, which upheld the City's decision. In February 2005, the applicant requested an extension of the 12 month period. In June 2005, the City Council denied the applicant's extension request.

The applicant and the City are currently in litigation with regard to the applicant's ongoing operations at 717 Pendleton Street. By this application, the applicant is now seeking to relocate its business from 717 Pendleton Street to 444 Swann Avenue.

PROPOSAL

The applicant proposes to operate its day labor agency business in a 5500 square foot space at 444 Swann Avenue, within the Oakville Industrial Park. The applicant proposes to provide temporary laborers to construction and industrial clients and anticipates that a maximum of approximately 100 laborers will report each morning in person, between 4:30 a.m. and 8:00 a.m., to receive assignments for work.

Others will call in or meet at off-site locations for assignment. The number of day laborers on-site at any given time is expected to be approximately 20. The laborers usually receive work assignments within about 20 minutes. Following assignment to work, the laborers are expected to travel to their worksites by their own vehicles or public transportation.

At the end of the workday, between 3 p.m. and 6 p.m., most of the day laborers will report to the office to be paid. The applicant estimates that a maximum of 150 laborers will report daily to be paid. The number of laborers on-site at any one time waiting for payment is expected to be approximately 20.

Following is a brief summary of the proposed operation:

Hours:	4 a.m. to 7 p.m. Monday through Saturday
Number of employees:	The applicant indicates that there will normally be between 2-4 staff present at the business, but that the number may increase to six (6) at certain times.
Noise:	The applicant indicates that noise levels will comply with the City Code. All employees will be required to remain indoors when on-site.
Trash/Litter:	The applicant indicates that approximately 15 cubic feet of trash per week will be generated and will be collected through private means. Receptacles will be provided for disposal of outdoor trash. Outdoor areas will be policed by Ace on a regular basis.
Lighting and Safety:	Lighting will be provided for the site and video surveillance equipment will monitor the interior and exterior of the site.

PARKING

According to Section 8-200(A)(20) of the Zoning Ordinance, the proposed day labor agency is required to provide 14 parking spaces. By SUP # 2688, adopted by City Council on April 17, 1993, an overall reduction in parking was granted to the Oakville Industrial Park, allowing a reduction that resulted in 239 parking spaces being provided for the industrial park. As part of the reduction, an encroachment ordinance was adopted allowing parking within the public right-of-way. Parking for the proposed day labor agency will be provided along Swann Avenue in front of the building as well as in a parking area west of the building. There are a sufficient number of parking spaces to accommodate the proposed use.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the I-Industrial zone. Section 4-1203 (F.1) of the Zoning Ordinance allows a day labor agency in the I-Industrial zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for industrial use.

COMMUNITY ASSOCIATION INPUT

The Del Ray Citizens Association Land Use Committee held a meeting on November 17, 2005 to discuss, consider and recommend approval of the proposed use with certain conditions. On December 12, 2005, the Del Ray Citizens Association voted to support the proposed use with conditions, which included: operating the agency in accordance with all proffers; posting a sign near or on the entrance requesting quiet during the early morning hours and to discourage the use of foul language; providing city issued trashcans on the property; providing bathroom fixtures to accommodate the peak number of users; encouraging commercial vehicles with an audible reverse gear warning device to refrain from using the device prior to 7 a.m.

II. STAFF ANALYSIS

The proposed day labor agency provides a useful service in employing day laborers in jobs in the area. The applicant indicates that many of the day laborers are City of Alexandria residents. The location of the business in an industrial park setting is an appropriate place to conduct such a business. The business will be located approximately 450 feet from the nearest residence, thereby providing an appropriate buffer between the proposed use and the adjacent residential area. Swann Avenue does not connect to the adjacent residential area. Pedestrian access within the industrial park is limited. A gate at the end of Swann Avenue prohibits pedestrian access through to the adjacent residential area. Use of this gate should be restricted. There is sufficient parking to accommodate the proposed use. Parking is available along Swann Avenue and to the west of the building for the laborers who will be coming to the business at any given time. According to the applicant, many of those will be using public transportation.

The Del Ray Citizens Association has endorsed the proposed day labor agency and has asked that reasonable conditions be imposed on the operation of the business.

The applicant has agreed to place conditions on the use of the business for a day labor agency that are aimed at discouraging inappropriate behavior, such as requiring day laborers to sign an agreement regarding rules of conduct. The applicant has also agreed to install security cameras on the exterior of their building for use in identifying any inappropriate conduct. The applicant has offered to allow space within their building to be used for a police substation, if so desired by the Police Department. A community liaison will be designated by the applicant as the point of contact in case any issues arise with regard to operation of the business. This contact person should be available at all times during which the business is in operation.

Based on the above, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The day labor agency shall maintain a waiting room with a seating capacity large enough to accommodate all employees and potential employees on the site at any given time. The waiting room shall be heated and/or cooled to a temperature suitable and comfortable for the agency's employees and shall contain sufficient rest room space to accommodate those on site at any given time. (P&Z)
3. The hours of operation of the day labor agency shall be limited to between Monday through Saturday, 4 a.m. to 7 p.m.. (P&Z)
4. No alcohol or drugs shall be permitted on the premises. (P&Z)
5. The agency's employees will be required to enter the building upon their arrival. The agency's office will not close until all employees have left the premises. (P&Z)
6. The applicant shall prohibit employees and potential employees from waiting or gathering outside the building or in the vicinity of the subject property. The applicant shall require such persons standing outside the building to disperse or to enter the premises. (P&Z)
7. All litter on the site, on the public right-of-way, and on spaces adjacent to or within 100 feet of the premises of the use 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. (P&Z)
8. No vending machines or pay telephones shall be installed outside the building. (P&Z)
9. The applicant shall not establish transport pick up locations within the City other than at Metro stations, inside homeless shelters or other such locations that staff approves. (P&Z)
10. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
11. The applicant shall post a sign at the entrance to the building requesting quiet during early morning hours, especially between 4 a.m and 7 a.m. (P&Z)

12. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
13. The applicant shall conduct employee training sessions with permanent staff on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
14. The applicant shall require day laborers to sign an agreement identifying rules of conduct, including but not limited to, hours of operation, procedures for where to go once they arrive at the site, prohibition on the use of alcohol and drugs, and standards of behavior regarding noise and inappropriate language.(P&Z)
15. The applicant shall install exterior mounted security cameras on their building, which shall be used to identify any inappropriate behavior by day laborers coming and going to the building. (P&Z)
16. The applicant shall identify a person or persons who will act as the community liaison and shall provide contact information to the City and the community. The community liaison shall be available at all hours that the business is in operation. (P&Z)
17. If the applicant uses commercial vehicles in their business, they are encouraged to refrain from using any audio reverse gear warning device prior to 7 a.m. (P&Z)
18. The applicant shall ensure that no day laborers shall use the gate at the end of Swann Avenue for pedestrian access to and from the day labor agency. (P&Z)
19. **CONDITION AMENDED BY PLANNING COMMISSION:** Applicant shall provide the City ~~\$1000.00~~ \$2,000.00 for ~~one~~ two Model SD-42 Bethesda Series litter receptacles for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES) (PC)
20. 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 is to provide space within the interior of the day labor agency for a police substation if requested by the Police Department. (P&Z)

22. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business. (Police)
23. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery Awareness program for all employees. (Police)
24. The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and again after 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, 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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
- R-2 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- 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.

Code Enforcement:

- F-1 The current building is a single use structure which is vacant. The proposed use includes subdivision of the space and the creation of a new tenant space within the structure.
- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

- C-5 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 119.1).
- C-6 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-7 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-8 This structure will contain mixed use groups (types of use groups to be determined at time of each building permit application) and is subject to the mixed use and occupancy requirements of USBC 302.3
- C-9 Certification is required from the owners or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC 112.1.4).
- C-10 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.

Health Department:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery Awareness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2005-0117

[must use black ink or type]

(Parcel Add: 420 Swann Ave.)

PROPERTY LOCATION: 444 Swann Avenue, Unit D, Alexandria, VA 22301

TAX MAP REFERENCE: 25.03, Block 2, Lot 13

ZONE: I

APPLICANT Name: Ace Temporaries, Inc.

Address: 711 Pendleton Street, Alexandria, VA 22314

PROPERTY OWNER Name: RREEF America c/o Lincoln Property Company

Address: 101 Constitution Ave NW, Suite 600E,
Washington, DC 20001

PROPOSED USE: Office for the applicant's existing temporary employment agency.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 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 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 Planning Commission or City Council in the course of public hearings 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.

Ace Temporaries, Inc.
By: **M. Catharine Puskar, Attorney/Agent**
Print Name of Applicant or Agent

M Catharine Puskar

Signature

Walsh, Colucci, Lubeley, Emrich & Terpak
2200 Clarendon Blvd., 13th Floor
Mailing/Street Address

(703) 528-4700
Telephone #

(703) 525-3197
Fax #

Arlington, VA
City and State

22201
Zip Code

October 25, 2005
Date

DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY

Application Received:

Date &- Fee Paid:

\$

ACTION – PLANNING COMMISSION:

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: Prospective Lessee 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.

Chuck Carlton	9811 Hampton Road, Fairfax Station, VA 22039	50%
Adam Schramm	9409 Eagle Trace, Fairfax Station, VA 22039	50%

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? N/A

- 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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

Floor plan and site plan attached.

NARRATIVE DESCRIPTION

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

Ace Temporaries requests a Special Use Permit to operate an existing temporary employment agency (presently located at 717 Pendleton Street) at 444 Swann Ave., Unit D Alexandria, VA. By filing this request, Ace Temporaries does not waive any of the arguments it maintains in the present litigation involving its current location; rather, it seeks to relocate its operation to Swann Ave. in order to resolve the pending litigation and occupy a location acceptable to the City.

Ace Temporaries has been in business for fifteen years, the past eleven in the City of Alexandria. Ace provides temporary industrial personnel to construction and industrial clients. The temporaries are employees of Ace Temporaries that are contracted out to its clients. Employees who have not previously been assigned to a client typically report to the Ace Temporaries office in the morning between 4:30 a.m. and 8:00 a.m. for assignment to a client. Ace anticipates a maximum of approximately 100 employees to report each morning for assignment. Other employees will call in or meet at off-site locations for assignment. Given the broad expanse of reporting times and the fact that employees are usually assigned within approximately twenty minutes, the number of employees on-site at any given time is anticipated to number approximately 20. Following assignment, the employees travel to their worksite, by either their own or public transportation.

At the end of the workday, between 3:00 p.m. and 6:00 p.m., most employees will report to the Ace Temporaries office to be paid. Other employees will be paid less frequently than every day. Ace anticipates that a maximum of approximately 150 employees will report to the Ace Temporaries office between 3:00 p.m. and 6:00 p.m. each day to be paid. More employees are expected to report to the office in the evening than in the morning because some employees call in for assignments, meet at off-site locations or are assigned to multiple day assignments. The number of employees on-site at any one time waiting for payment is anticipated to number approximately 20.

The proposed location does not have direct access to any residential areas; rather, access to the location is from Route 1. In order to mitigate any potential impact on neighboring areas, however, Ace will police the site and surrounding areas for trash at least twice per day. All employees on-site will be required to remain indoors. Further, adequate lighting will be maintained and Ace will install video surveillance equipment to monitor the interior and exterior area of the Ace Temporaries office. Ace will not tolerate any drug, alcohol or criminal activity by its employees.

USE CHARACTERISTICS

4. The proposed special use permit- request is for: *(check one)*

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit.
- other. Please describe: **A new location for an existing use.**

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).

4:00 a.m. to 7:00 p.m. Monday through Saturday. Approximately 20 employees during peak hours are anticipated.

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

2-4 staff members are anticipated during hours of operation, this number might increase to 5 or 6.

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

Day:	Hours:
Monday through Saturday	4 a.m. to 7 p.m.

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

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

Noise levels will comply with the Alexandria City Code.

B. How will the noise from patrons be controlled?

All employees will be required to remain indoors when on-site.

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

N/A

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?

Typical office garbage (papers, etc.)

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

15 cubic feet of trash per week

C. How often will trash be collected?

Arrangements for regular private trash collection will be made.

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

Exterior trash receptacles will be utilized, employees will be required to remain indoors while on-site and Ace will police the exterior of the site regularly.

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:

- ii. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

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

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

Adequate lighting will be provided for the site and video surveillance equipment will monitor the interior and exterior area of the site. Ace will regularly police the exterior area of the site and no alcohol, drug or criminal activity by employees will be tolerated.

ALCOHOL SALES

13. 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.

PARKING AND ACCESS REQUIREMENTS

14. Please 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?

13 spaces are required to serve the proposed use.

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

Standard spaces

Compact spaces

Handicapped accessible spaces.

Other.

There are approximately 60 spaces on-site that are shared by the tenants.

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

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. A-E 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.

15. Please 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

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?

Existing 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?

5,507 sq. ft. (existing) + 0 sq. ft. (addition if any) = 5,507 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:

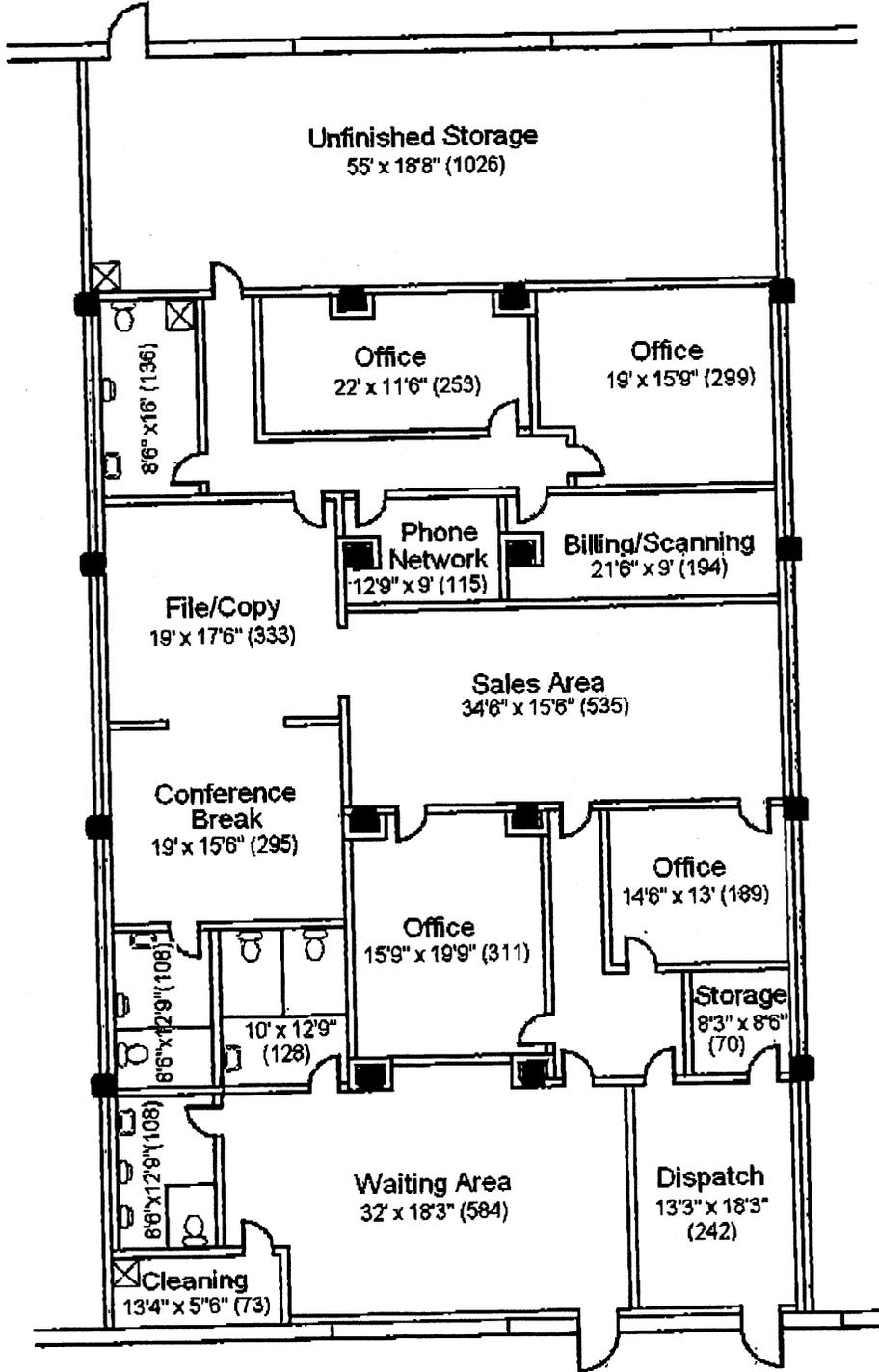
an office building. Please provide name of the building:

other, please describe:

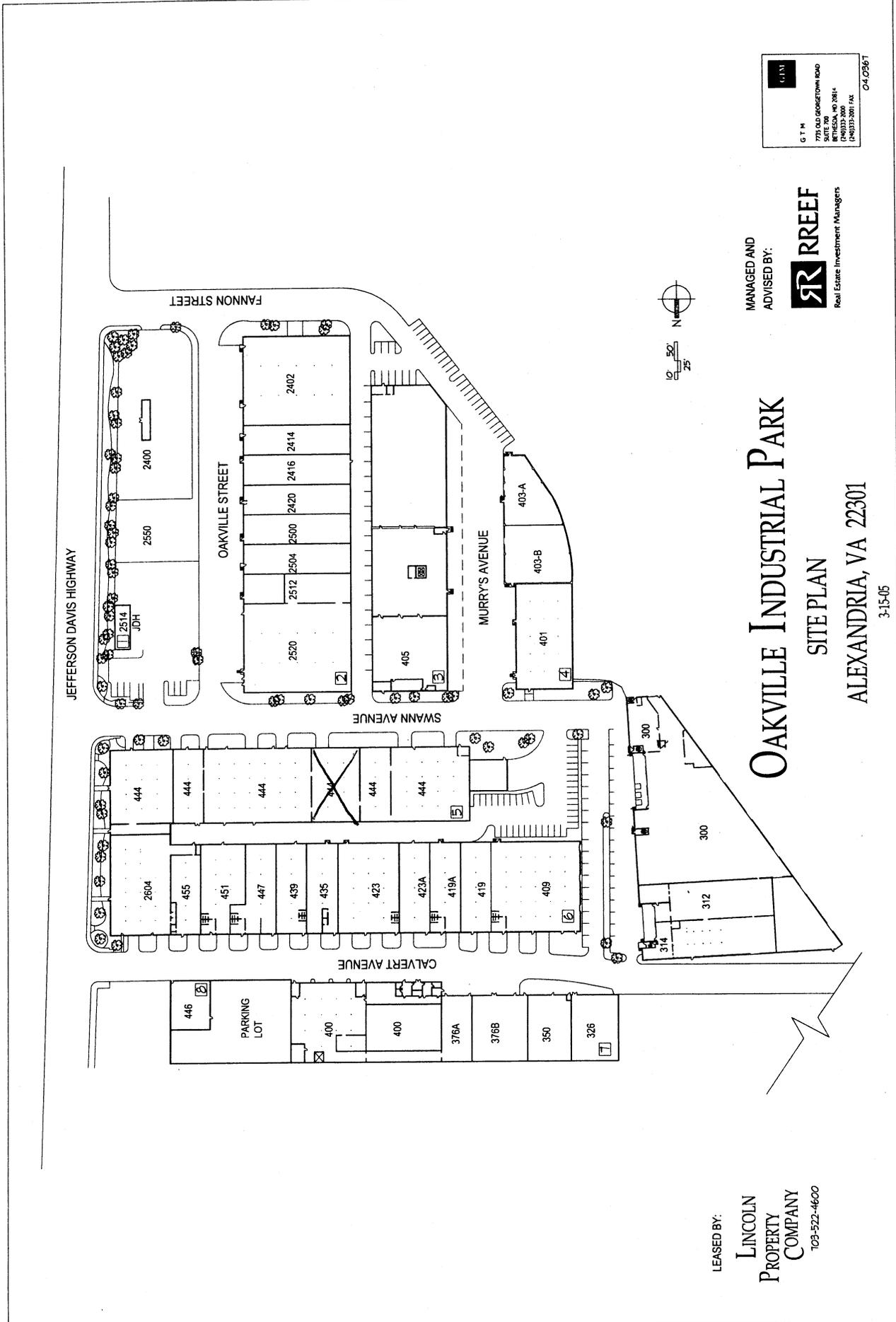
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UNIT D 5,507 SF

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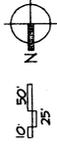


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G.I.M.
 6 T M
 775 OLD GEORGETOWN ROAD
 ALEXANDRIA, VA 22304
 (703)372-3000
 (703)372-3001 FAX
 04.03&T

MANAGED AND ADVISED BY:
R R REEF
 Real Estate Investment Managers



OAKVILLE INDUSTRIAL PARK

SITE PLAN
 ALEXANDRIA, VA 22301
 3-15-05

LEASED BY:
LINCOLN PROPERTY COMPANY
 703-522-4600

PC Docket Item #10
SUP#2005-0117

PnZFeedback/Alex
12/29/2005 10:55 AM

To Kendra Jacobs/Alex@Alex, Krisna Earley/Alex@Alex
cc
bcc
Subject Fw: Ace Temporaries SUP application

History:  This message has been forwarded.

fyi

----- Forwarded by PnZFeedback/Alex on 12/29/2005 10:54 AM -----



"KFConner"
<kfconner@verizon.net>
12/28/2005 05:40 PM

To <pnzfeedback@alexandriava.gov>
cc
Subject Re: Ace Temporaries SUP application

On behalf of the current residential neighbors of Ace Temporaries, I request that the issuance of the SUP be made contingent upon Ace Temporaries ceasing its current operation at 717 Pendleton Street immediately. This business has been operating in violation of the City zoning ordinance at the 717 Pendleton Street location since June 2005 and could continue to do so for up to 18 more months without this condition.

Residential neighbors of this business have been looking forward to a trial, formerly also scheduled for January 3, 2005, that we believe would have ended Ace's operations in our neighborhood. It is our understanding that the trial was postponed due to the impending SUP. While we support the SUP at the new location, we do not believe Ace's departure from 717 Pendleton should be delayed another day.

Thank you.

Frank Conner
607 North Columbus Street

Del Ray Citizens Association

12
1-21-06

PO Box 2233

Alexandria VA 22301

Established 1954

To: Honorable Members of City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Laurie MacNamara, President
Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair

Date: January 20, 2006

Subject: Docket item # 12, SUP# 2005-0117
Ace Temporaries at 444D Swann Avenue.
Consideration of a request for a special use permit for operation of a day labor agency; zoned I/Industrial. Applicant: Chuck Carlson by M. Catharine Puskar, attorney

At our regular meeting of December 12, 2005, the membership voted to support the application with conditions as published in the December newsletter. (Attachment A) Land Use committee co-chair Amy Slack conveyed representation from Attorney Cathy Puskar to the membership that the applicant had filed a revised plan that provided additional bathroom fixtures per the committee's request.

The revised plan was submitted to Planning & Zoning on November 29th and is part of the Council docket file. Ms. Slack did not receive a copy until December 14th, after the membership meeting. Her studied comparison revealed the revisions increased the bathroom fixtures by 2 toilets and decreased the waiting room area by more than 25%.

At the Planning Commission hearing of January 6, 2006, Ms. Slack spoke in favor of the application as conditioned by staff; staff had addressed concerns, provided expectations of the applicant, and opportunities of recourse for the community. She spoke favorable of the additional bathroom fixtures but spoke against the smaller waiting room size. Ms. Puskar spoke and agreed to restore the area, at minimum, to the size of that approved by the DRCA membership.

At the membership meeting of January 9th, Ms Slack reported events of the Planning Commission hearing and her willingness to withdraw Association support for a permit that offered less than what was proffered by the applicant.

On January 17th Ms. Slack received a second revised plan from Ms. Puskar. (Attachment B) which was discussed on January 19th by the Land Use committee, President Laurie MacNamara, and Deputy Director of Planning Richard Josephson.

The committee hereby asks the applicant to honor his proffer - a waiting area of no less than 830 square feet and no fewer than 8 bathroom fixtures. The fixtures are to be installed in accordance with code and made available to the day laborers during peak hours of operation.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Laurie MacNamara at 703-519-9410 and Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.

Land Use committee Report
Meeting of Nov. 17, 2005

444 Swann Ave by Ace Temporary Agency.

LUC met again this month with Mr. Carlton and his attorney, Cathy Puskar to discuss the SUP application for an existing day labor agency to relocate in Oakville Industrial Park. As required, the site is located over 300' from all residential uses and parking needs are met. A bus stop is located on JD Hwy at Swann Ave.

The agency provides construction job assignments on a daily or short-term basis. Laborers are hired as employees of the agency and sign an employment agreement. Hours of operation are 4am to 7pm, M-Sat. Most workers arrive to the agency each day by bus or car, between 4:30-6am, leaves within 20 minutes, and arrive again at days end for payment. They are required to remain in the waiting until dispatched; smoking is allowed indoors. No loitering or alcohol consumption is allowed on the premises.

The floor plan submitted depicts a waiting area, dispatch, bathroom(s), and office spaces. Mr. Carlton has proffered to install exterior mounted security cameras, to act as community liaison, included language in the employee agreement to include provisions for conduct, and provide space for a police substation.

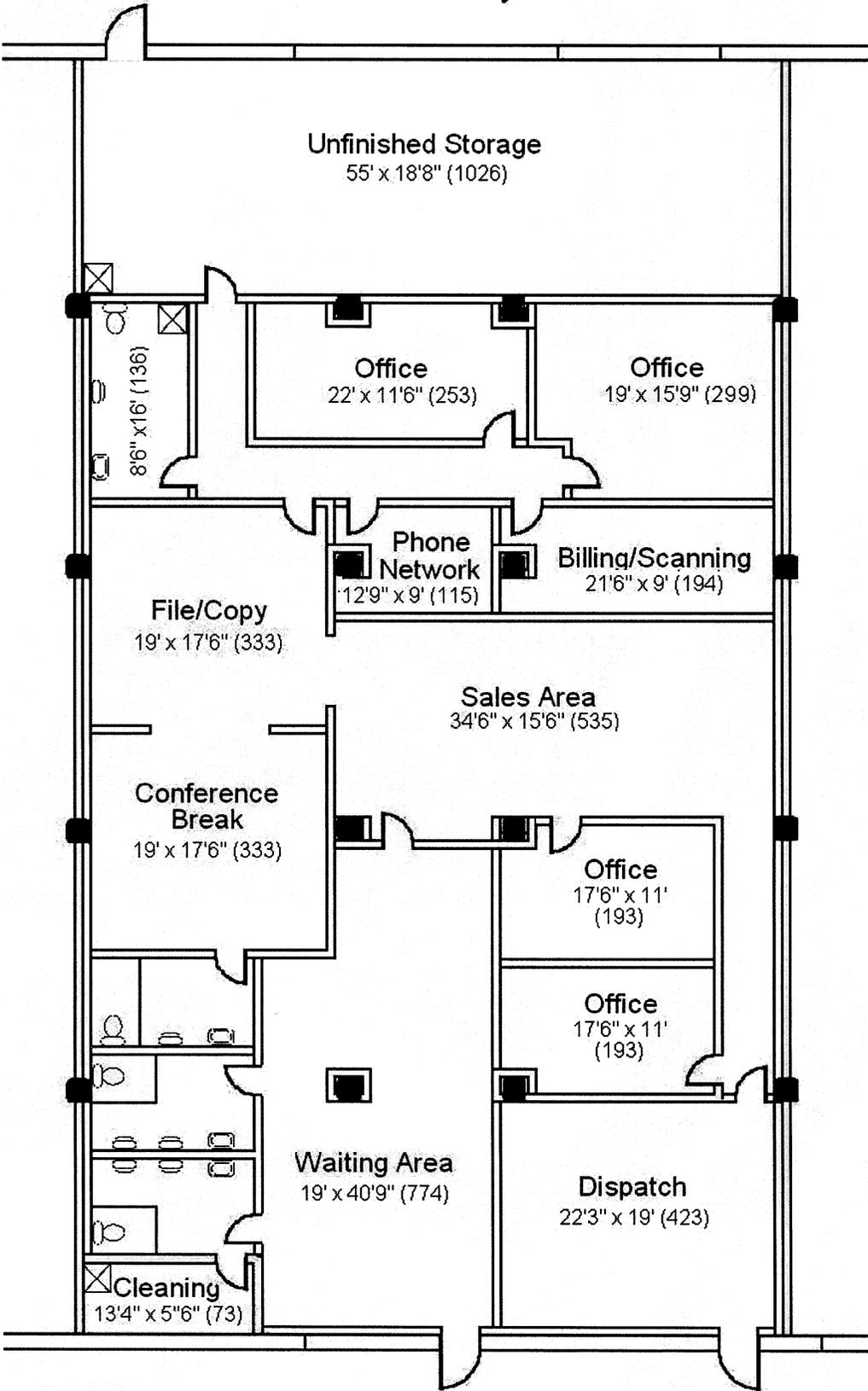
Businesses adjacent to the site had no objections to the relocation.

LUC recommends approval with the following conditions:

The agency will operate as described in the application and will honor all its proffers, a sign be posted near or on the entrance requesting quiet during the early morning hours and discourage use of foul language, they provide 1 city issued trashcans within 50' of the entrance and 1 at the bus stop, and the bathroom fixtures are increased to accommodate the peak number of users.

The membership is asked to attend a presentation of the Monroe Ave. Bridge/ Route 1 Realignment at GW Middle School on December 12th and to please remain after the presentation for our regular DRCA business meeting.

UNIT D 5,507 SF



APPLICATION for SPECIAL USE PERMIT # 2005-0117

[must use black ink or type]

(Parcel Add: 420 Swann Ave.)

PROPERTY LOCATION: 444 Swann Avenue, Unit D, Alexandria, VA 22301

TAX MAP REFERENCE: 25.03, Block 2, Lot 13

ZONE: I

APPLICANT Name: Ace Temporaries, Inc.

Address: 711 Pendleton Street, Alexandria, VA 22314

PROPERTY OWNER Name: RREEF America c/o Lincoln Property Company

Address: 101 Constitution Ave NW, Suite 600E, Washington, DC 20001

PROPOSED USE: Office for the applicant's existing temporary employment agency.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 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 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 Planning Commission or City Council in the course of public hearings 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.

Ace Temporaries, Inc.
By: M. Catharine Puskar, Attorney/Agent
Print Name of Applicant or Agent

M Catharine Puskar
Signature

Walsh, Colucci, Lubeley, Emrich & Terpak
2200 Clarendon Blvd., 13th Floor
Mailing/Street Address

(703) 528-4700
Telephone #

(703) 525-3197
Fax #

Arlington, VA
City and State

22201
Zip Code

October 25, 2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received:

Date &- Fee Paid:

\$

1/21/06 CC approved PC recommendation w/amendments 7-0 (see attached)
ACTION - PLANNING COMMISSION: Recommended Approval 7-0 1/3/06

THIS ITEM WILL BE HEARD NO LATER THAN 11:00 A.M.

11. Public Hearing and Consideration of an Appeal of the Board of Architectural Review for Case No. BAR-2005-0273, an Appeal of the Board's decision approving demolition/encapsulation and for Case No. BAR 2005-0274, a decision approving alterations at 115 N. Patrick Street, zoned CD Commercial. Applicant: City of Alexandria Community Services Board by L. Michael Gilmore. Appellant: Craig S. Miller, Jr., on behalf of petitioners.

City Council upheld the decision of the Board of Architectural Review.

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. SPECIAL USE PERMIT #2005-0117
444 SWANN AVENUE
ACE TEMPORARIES
Public Hearing and Consideration of a request for a special use permit for operation of a day labor agency; zoned I/Industrial. Applicant: Ace Temporaries, Inc. represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation, with amendments to the conditions to include: items #10, 11 and 12 reflect that signage be in Spanish as well as English; and #17 to read, "If the applicant or clients of the applicant use commercial vehicles in their business, they are encouraged to refrain from using any audio reverse gear warning device prior to 7 a.m."

Council Action: _____

DOCKET ITEM NO. 12

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskar
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl, VA 22201
TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskar@arl.thelandlawyers.com

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
Ace Temporaries

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.