

Docket Item #32
SPECIAL USE PERMIT #2004-0043

Planning Commission Meeting
June 1, 2004

ISSUE: Consideration of a request for a special use permit to operate various community (social service) programs.

APPLICANT: Tenants' and Workers' Support Committee (TWSC)
by Jon Liss

LOCATION: 3801 Mount Vernon Avenue

ZONE: CDD-6/Coordinated Development District

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.

I. DISCUSSION

REQUEST

The applicant, Tenant's and Worker's Support Committee (TWSC), by Jon Liss, requests special use permit approval for the operation of a social service use located at 3801 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 70 feet of frontage on Mount Vernon Avenue, 150 feet of depth and a total lot area of 10,545 square feet. The site is developed with a two story commercial building and is occupied by offices, including a travel agency on the first floor. A kitchen and bath sales business also recently occupied the other tenant space along the street. The building contains 3,700 square feet of commercial floor space on two floors. Each floor is arranged with tenant spaces on the front of the building, either continuously (second floor) or on either side of a central access area (first floor), plus one large tenant space in the rear central portion of each floor. (See attached floor plans for the building.)

Surrounding uses include restaurants and retail uses along Mount Vernon Avenue including Auto Zone immediately to the south, the Birchmere and Child and Family Network Centers and a playground to the east, and a hair salon across Mount Vernon Avenue to the west. The applicant currently has offices in the near vicinity at 3610 Mount Vernon Avenue.



3801 Mount Vernon Avenue

PROPOSAL

The applicant describes itself as a grassroots organization committed to social and economic justice and power for the people of Northern Virginia: Latino/as, African Americans, tenants, immigrants, workers, women, youth and low-income people, and has its main offices in Arlandria. It proposes to purchase the building, relocate its main offices there and use part of the space for community uses, including a multipurpose space for meetings, events and a preschool, a teen lounge, and a technology center. The remainder of the building will be leased to four existing office tenants.

The applicant proposes that the community center/social service use hours be Monday through Thursday from 8:00 a.m. to 11:00 p.m. and 8:00 a.m. to 12:00 midnight Friday and Saturday. Peak hours are 5:00 p.m. to 8:00 p.m. Monday through Thursday, 5:00 p.m. to 9:00 p.m. Friday, and 8:00 a.m. to 8:00 p.m. on Saturday.

TWSC has provided the following detailed description of each of the community uses anticipated at the new facility, as an example of what the use will encompass:

Multipurpose and Preschool Space: Approximately 500 square feet on the first floor in the front of the building will be used for multi-purpose and preschool space. The preschool will occupy the room from 8:00 a.m. to 3:00 p.m. weekdays, from September through May. The room can then be used for meetings of up to 85 people on evenings and weekends. This aspect of the use includes the following:

Use	Hours	Number of People
Community meetings—cultural, civic, educational, and political gatherings	Saturdays and after 5:30 p.m. weekdays; occasionally (for celebrations) until 12:00 midnight	Up to 85 (in accordance with city code standards)
Special meetings	Infrequently—Sundays when not being used for regular meetings/activities, 9:00 a.m. to 12:00 midnight	Up to 85
Workshops	Most during evening between 5:00 p.m. and 9:00 p.m.	Up to 85, generally 20-30
Seminars	Daytime training, geared to staff and para professionals, 3:00 p.m. to 5:00 p.m.	Up to 15 people

Preschool	8:00 a.m. to 3:00 p.m. Monday through Friday, September to May	The applicant proposes 16 children between the ages of three and five. The children will be students of the Network Preschool located behind the subject building. *See below for more information.
Job and health fairs, outside service providers, etc...	Evenings, 5:00 p.m. to 9:00 p.m., and weekends	Up to 85 people

***Preschool:** The applicant anticipates up to four employees at any one time. The majority of the children will be walked by a parent for drop-off and pick-up because most of the families live in the neighborhood. Those who drive can use the parking at the back of the building, or may drop children off at the facility at 3701-A Mount Vernon Avenue (behind subject building at the Birchmere), and the children will be escorted to the facility. A playground for the children is located directly behind the building, and Network plans to install a new fence, giving access from the playground directly to the subject property.

Teen Lounge: A space of approximately 215 square feet located behind the existing travel agency on the ground floor will be used for a teen lounge. The lounge will offer casual chairs, a television, and a stereo music system. The wall that abuts the hallway will be translucent to allow supervision, which will be provided at all times. The teen lounge space allows for the following:

Use	Hours	Number of People
Teen Lounge–social/cultural activities	4:00 p.m. to 8:00 p.m., three days each week, and 11:00 a.m. to 8:00 p.m. on Saturday	Up to 20 (in accordance with city code standards)
Special social events and teen programming	Saturday and an occasional Friday evening up to 11:00 p.m.	Up to 20
Alexandria United Teen meetings	4:30 p.m. to 7:00 p.m. up to two days each week	Up to 20
Adult social events (sporting events, small pot luck, etc...)	6:00 p.m. to 12:00 midnight, no more than once a week	Up to 20

Technology Center: On the first floor at the back of the building approximately 200 square feet will be occupied by a technology center with eight to 10 computers. The technology center will be operated in collaboration with Community Lodgings, Inc., which already operates a similar computer center on Notabene Drive. The technology center can include:

Use	Hours	Number of People
Adult computer classes	Two evenings a week from 5:00 p.m. to 9:00 p.m., and Saturday morning; a total of five to ten hours of class time each week	Up to 11 including instructor
Teen computer classes	Two evenings a week from 5:00 p.m. to 9:00 p.m., and Saturday morning; a total of five to ten hours of class time each week	Up to 11 including instructor
Community computer café—community access to computers and internet	4:00 p.m. to 9:00 p.m. on weekdays, Saturday when there are no classes scheduled, and by special arrangement	Up to 10 people at one time

Office: The applicant will locate its own offices in two spaces within the building: there is approximately 500 square feet at the back of the first floor and adjacent to the computer center; there is also a 590 square feet space on the second floor. The applicant anticipates that up to 18 total employees will be on the premises at any one time, including employees of the existing office tenants. In addition to the TWSC uses, existing tenants of the building will remain. Specifically, the travel agency on the ground floor will continue in that location. In addition, the two second floor spaces on the front of the building are and will remain rented to existing office tenants. The leases for the rented office space in the building will expire in two years, except for a space rented to the current owner of the building on the second floor, which will last a bit longer.

PARKING

The applicant proposes to occupy 915 square feet of the building for community center uses. The remaining 2,785 square feet will be used as office space. According to Section 8-200 (A) (7) of the zoning ordinance, a community center occupying 915 square feet requires five parking spaces. According to Section 8-200 (A)(18), an office occupying 2,785 square feet requires seven spaces. The total requirement is for 12 space. The applicant is able to provide 13 spaces behind the building. Therefore, the applicant’s current proposal meets parking requirements. In addition to the parking

provided behind the building, supplemental parking will be available at their offices across the street at 3610 Mount Vernon Avenue, and there are plans to build a public parking facility at the Datatel site. Parking requirements for the building may change as office tenants leave, and the applicant occupies more space in the building.

ACQUISITION OF THE PROPERTY

City Council's FY2005 approved budget includes \$300,000 for a loan in the form of a second deed of trust for TWSC to purchase the building. The money has been placed in Contingent Reserves, pending the successful negotiation of a second deed of trust by TWSC.

MASTER PLAN

The property is within the Potomac West Small Area Plan chapter of the Master Plan, which, after several years of collaborative neighborhood planning, was recently amended to encompass the Upper Potomac West/Arlandria long term vision. In addition to including plans for the potential redevelopment of the Safeway/Datatel sites and a few other key "opportunity sites" in Arlandria, a significant outcome of that planning effort was to outline ways to strengthen commercial sites on Mount Vernon Avenue as a means to revitalize and enliven the street and the neighborhood.

The Arlandria Plan changes included several elements, including planning principles and design guidelines, amendments to two coordinated development districts, the creation of a new coordinated development district, and a new neighborhood retail zone to revitalize the area in a manner that is consistent with the long term vision for the neighborhood.

ZONING

As part of the Arlandria planning work, the City designed and adopted an entirely new zone to apply to the commercial areas along Mount Vernon Avenue in Arlandria. That zone, the NR/Neighborhood retail zone, found at Section 4-1403 of the Zoning Ordinance, applies to the proposed TWSC use in this case.

In order to achieve a desirable, active urban environment, one that strengthens and revitalizes the economic and pedestrian environment, the NR zone incorporates several elements from the Arlandria Plan and proactively includes them in the form of carefully calibrated zoning proscriptions for Arlandria. Emphasizing the pedestrian's importance to the vitality of the area, the zone specifically anticipates retail, restaurant and other active uses at the street level, with residential and/or other commercial uses on the higher floors in buildings on Mount Vernon Avenue.

As an incentive for desirable uses, the NR zone allows restaurants and other uses that enhance the retail environment, including live theater and outdoor food and crafts markets, but that usually require a special use permit, to be approved under a new administrative process. These uses create synergy among existing and future retail uses that will create vibrancy, restore the economic vitality, and promote the revitalization of Mount Vernon Avenue. The zone also speaks to the importance of public art.

The NR zone includes a category of uses which do not create life on the street, but may still be acceptable with limitations on their design to reduce their negative impact on the street. Banks, professional offices and laundromats may not occupy more than 30' of the frontage of any building and there may not be more than two such uses located together. This NR zone restriction was a bold move by the City, and was prompted by the recent changes in the 400 block of King Street in Old Town. Realtors' offices have replaced active retail shops located on the ground floor of the Holiday Inn building and, directly across King Street, at Tavern Square, a clothing store, travel agency, and oriental rug store were replaced with a bank. The conversion of formerly active retail space to office uses that have little relation to, and provide no interest at, the street level has created a "dead" space along the frontage of this block on both sides of the street.

The fact that the zone allows some uses, such as a social service use, with a special use permit (SUP) must be balanced against the intent of the zone to enhance the opportunity on the ground floor for active retail, restaurant, personal service uses, and other active uses that serve the neighborhood and draw people to it. Thus, in considering a SUP request for the proposed social service use, staff must assess how the proposal meets the express intent and goals of the NR zone to achieve an active and viable retail environment that serves both the neighborhood and the broader community.

II. STAFF ANALYSIS

Staff is recommending approval of this proposal, but wants to ensure that the TWSC use of this important building in Arlandria will achieve the goals of the NR zone. The proposal is positive in that it provides an opportunity for an existing neighborhood organization to remain in the community and serve as a gathering place for community programs, events, and services. On the other hand, because the immediate proposal is to use the space at the front of the building at the street level – which could be devoted to active retail uses, but is not proposed to be – staff is concerned that the use will hinder the development of a more active retail environment as envisioned in the NR zone along Mount Vernon Avenue.

The adopted plans and the new zoning for Arlandria were created to strengthen the existing pedestrian-oriented uses along Mount Vernon Avenue and to promote its success as a retail corridor. Strengthening the retail environment is key to making the area attractive to private investment and stimulating redevelopment of the Safeway/Datatel site. In Arlandria, the commercial core is relatively compact, and the TWSC proposed use lies in the center of the important pedestrian retail district. The permanent conversion of retail space to non-retail users at this location would be very harmful to the vision for the area, and to the specific ability to attract the uses on the street that will add to its overall vitality and its economic health. Ground floor retail is also especially important at this particular location because of its close proximity to the Safeway-Datatel properties. The proposed loss of retail space could affect the redevelopment potential of the Safeway-Datatel site in the near future, and will affect future retail uses at the Safeway-Datatel site as the success of the retail district depends on the ability for customers to shop on both sides of the street.

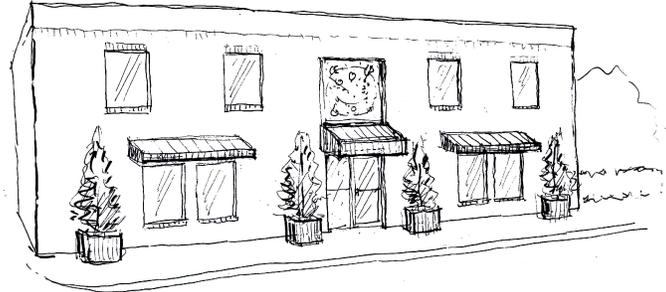
Staff has discussed its concerns with the applicant, who is receptive to ideas about incorporating ground floor retail in the new TWSC building. However, TWSC is dependent on rent from existing tenants now located on the second floor to fund the purchase of the building, which limits the space available for the proposed community uses to the first floor along the street. The applicant also has not yet fully explored the range of retail tenants that would be appropriate and could be successful at this location. For these reasons, the applicant is not willing to provide retail space along the street as part of this application.

In an attempt to balance the applicant's immediate needs and plans and the long term needs of the community for revitalization, staff is recommending approval of the proposal with conditions that require the ultimate rearrangement of the space to incorporate ground floor retail uses, consistent with the NR zone and the master plan. Specifically, staff has included a condition that requires the ground floor space along Mount Vernon Avenue to be used for retail or other active uses, consistent with the NR zone and the master plan, within two years of the approval of this SUP. This phase-in period will allow TWSC to explore potential retail tenants, and rearrange the space as existing tenants' leases run out. During this time, the applicant, working with the Arlandria Community Business Association, could consult with the Alexandria Economic Development Partnership (AEDP) and the Small Business Development Center (SBDC) for assistance in finding potential retail tenants. Both agencies have been involved in the planning and implementation process in Arlandria and understand the goal of revitalizing the area while attracting complimentary businesses.

Staff and the applicant have analyzed the floor space opportunities in the building together and found ways to make the space work for both the community uses proposed and the retail on the street and the applicant has indicated a willingness to rearrange the uses over time. The condition also provides for a review of the use of the space after two years by staff, with the opportunity to revisit this issue with the Planning Commission and City Council if necessary at that time.

Staff also recommends that the building facade be improved to enhance the streetscape and pedestrian environment as envisioned in the Arlandria Plan. The building is located along the sidewalk and has parking at the rear—both positive urban design principles identified in the NR zone for new development. However, the facade is a blank, unadorned wall on the street and does not contribute to a more attractive streetscape. To create visual interest and active street life, staff recommends that the applicant remove the existing signage and provide awnings over the door and all windows along the first floor, provide four planters along the front, and install an art piece above the doorway to identify the organization and to provide an opportunity for public art as encouraged in Section 4-1409 of the NR zone.

Staff's recommended improvements will create visual interest without the cost of a complete renovation of the facade and the applicant has agreed to implement the proposal. In addition, the Alexandria Economic Development Partnership has matching grant money available for facade improvements that may assist in covering the cost of these improvements.



Recommended Facade Improvements
(awnings, planters, and art piece)

Staff recommends a one year review condition to ensure that the facade improvements are implemented, and that there are no issues with the social service use at this location. While the applicant is only proposing three particular social service uses at the building, it may take over more space and add additional ones of a similar type over time. Staff has recommended a condition that will allow the applicant to expand the social service use to the entire building, with a mix of community-oriented uses similar to what is described in this report is maintained.

With these conditions, staff recommends approval of this 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 social service use approved by this permit shall include a mix of community-oriented uses similar to what is described in this report, and consistent with the social service use zoning definition and the parking requirements. (P&Z)
3. The social service use facility shall close by 11:00 p.m. Sunday through Thursday, and 12:00 midnight Friday and Saturday.

4. Within two years from the date of this SUP approval, the ground floor uses in the front half of the building shall be occupied by retail uses consistent with the NR zone and Arlandria Plan. This permit shall be reviewed by the Director of Planning and Zoning at that time for compliance and shall be docketed for consideration by the Planning Commission and City Council if compliance is not obtained by that time for consistency with the NR zone and the Arlandria Plan. (P&Z)
5. The applicant shall implement facade improvements to the building consistent with the attached sketch, to include awnings over the door and all first floor windows, four planters, the removal of existing signage, and the installation of a mosaic or other high quality artistic enhancement above the entrance of the doorway that identifies the organization. (P&Z)
6. The maximum number of children permitted at the preschool at any one time shall be that number for which the facility has been licensed by the state. (P&Z)
7. The applicant shall provide the outdoor play area for the preschool to the satisfaction of the City's Office of Early Childhood Development staff and as may be required by state licensing. (P&Z)
8. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the community center. This is to be completed prior to the center opening.
9. Lighting in the parking area shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
11. 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, 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;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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:

- 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.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.

Code Enforcement:

- C- 1 The current use is classified as B-Business; the proposed use is A-Assembly, B-Business, E-Educational. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities. The necessary modifications to the structure shall be submitted by a licensed design profession and shall address handicap accessibility, required number of exits, exit door swing, mechanical system requirements as well as other requirements of the USBC affected by a change of use.
- C-2 This structure contains mixed use groups [A-Assembly, B-Business, E-Educational], and is subject to the mixed use and occupancy requirements of USBC.
- C-3 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.
- C-4 A Certificate of Use of Occupancy is required prior to opening (USBC). Since this space will contain mixed uses, the certificate must state the purpose for which each space is to be used in its several parts (USBC).
- C-5 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

- C-6 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-7 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-10 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the community center. This is to be completed prior to the center opening.

Staff did not include the following condition, but has instead included a condition that lighting be to the satisfaction of T&ES in consultation with the Chief of Police.

- R-2 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.

Human Services (Social Services):

- R-1 On March 21, 2004, a site visit was made by OECD staff, Nancy Striniste, to 3801 Mount Vernon Avenue to review the proposed plan to renovate a first floor room for use as a multipurpose room and child care classroom for up to 16 children ages 3-5. The program will be run by Child and Family Network Centers, and outdoor play space will be shared with Birchmere CFNC site. The classroom space is still occupied by Kitchen and Bath Studio. Renovations have not yet begun, but are planned to include removal of all kitchen and bath fixtures and interior partitions in the space.

The renovation will require new finishes on floors, walls, and perhaps ceiling. Although the floor plan submitted does not show it, Mr. Liss said that plans include adding a utility sink to the closet currently shown in the upper left corner of the room in plan view. This sink will be available to be used as an art sink by the childcare program. There are currently four windows, which provide good natural light to the space. One window will potentially be converted to an exit, and OECD recommends that this door be at least half glass to maintain the natural light in the space.

The restroom that will be used by children is not connected directly to the classroom so a teacher will accompany children in the restroom at all times. There are two restrooms available to all the programs in the building, so the plan is to reserve one of those for the exclusive use of the children during the hours when childcare is provided (9 am - 3pm). OECD recommends that this restroom be outfitted with a child-sized or standard-sized sink and toilet, rather than a handicapped-size sink and commode, so that the equipment will be accessible to the young children being served.

REPORT ATTACHMENTS AVAILABLE IN THE PLANNING AND ZONING OFFICE