

DATE: April 10, 2023

TO: Tony LaColla, AICP, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00018
Administrative Review for a New Use
Site Use: Restaurant with Outdoor Dining
Applicant: Nando's Restaurant Group
Location: 2462 Mandeville Lane (200 Stovall Court)
Zone: CDD #2/Coordinated Development District #2

Request

Special Use Permit #2023-00018 is a request for a New Use for a restaurant with 40 seats of outdoor dining. The 505 square foot outdoor dining is proposed in an L-shaped area on the sidewalks at the northeast corner of the building along Hoffman Street and Mandeville Lane. The area is proposed to be delineated by non-permanent decorative planters connected by fabric barriers. The patio space would include 40 seats for outdoor dining associated with the restaurant.

Background

The building on the subject property was constructed in 1969 and leased by the General Services Administration for most of its existence. In September 2017, City Council approved several land-use applications, including DSUP#2017-00015, to allow adaptive reuse of the existing office building. The project involved converting the primary building use from office to residential and allowing the addition of three residential floors atop of the existing building, new above-grade parking, rooftop amenity spaces, a re-skinning of the building façade, and approximately 36,475 square feet of ground floor retail. The building has been named the Foundry and leasing of the 582 apartment units began in 2020.

Within the approved Development Special Use Permit conditions, Condition #18 stipulates that *“Restaurants shall be permitted with an Administrative Special Use Permit provided they comply with Section 11-513(C), (L), and (M) of the Zoning Ordinance,”* thus, necessitating the Special Use Permit request.

Staff has already administratively approved SUP #2022-00032 on June 6, 2022 for the applicant's indoor restaurant, Nando's Peri-Peri at 2462 Mandeville Lane. Learning that the outdoor dining seating on the sidewalk could not be added until the City Council approved an encroachment for sidewalk use, the applicant decided to first gain SUP approval for the indoor restaurant to expedite the business opening.

On January 21, 2023, City Council approved Encroachment #2022-00005 to allow use of the public right-of-way on Mandeville Lane and Hoffman Street to provide outdoor dining for Nando's Peri Peri restaurant in the sidewalk areas adjacent to the building. With the encroachment approval, the applicant opted to not only submit an SUP request for the outdoor dining but also to include the indoor restaurant portion to capture both uses in one Special Use Permit. As such, SUP #2023-00018 will supersede SUP #2022-00032.

Parking

Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, a restaurant use located within the City's Enhanced Transit Area is required to provide a minimum of 1.0 spaces per 1,000 square feet of gross floor area. The proposed restaurant contains 2,912 square feet of floor area, resulting in a three-space requirement. Section 8-200 (A)(17)(c) waives the parking requirement for the first 20 outdoor dining seats. Each seat over 20 is calculated as 15 square feet each to determine the parking requirement, which equates to one additional parking space. The four-space parking requirement is met through the approval of DSUP#29917-00015. Parking was provided for both the ground floor commercial and the residential uses through development of the 246-space parking garage on-site.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff has not received any inquiries regarding the application.

Staff Action

Staff does not object to the application for a new use of a restaurant with outdoor dining to service this growing residential neighborhood. As noted in the encroachment staff report, the outdoor dining at the restaurant will allow for greater activation of the commercial centric street corner in the Eisenhower East neighborhood and allow the newly relocated restaurant to provide additional seating.

Standard Special Use Permit conditions have been included that address issues such as utilization of public transportation, sanitation and limited live entertainment. The maximum of 40 outdoor dining seats is stated in Condition #5. Additionally, Conditions #12 and #29 were carried forward from Development Special Use Permit #2019-00019.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 10, 2023
Action: Approved



Tony LaCoffa, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2023-00018

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
3. The hours of operation for outdoor dining shall be limited to between 11 a.m. to 10 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. The outdoor seating area shall not include signage on umbrellas. (P&Z)
4. The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z)
5. The number of outdoor seats shall not exceed 40 and shall not encroach into the public right-of-way beyond the 505 square feet approved with Encroachment #2022-00005. (P&Z)
6. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
7. Litter on the site and on the public rights of way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
8. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
9. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)
10. The applicant shall require its employees to use off street parking. (T&ES)
11. On and off-premise alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)

12. Any exterior changes to the building shall only be approved with a minor site plan amendment. Exterior signage shall be approved with a separate sign permit. (P&Z) (DSUP #2019-00019)
13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (P&Z)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
15. Trash and garbage shall be stored inside or in sealed containers which do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (T&ES)
16. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
18. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
19. 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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
20. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
21. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
22. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

23. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
24. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
25. All patrons must leave the premises one hour after the closing hour. (P&Z) (T&ES)
26. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
27. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z)
28. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
29. The hours of operation for the restaurant shall be limited to between 7 a.m. and midnight, Sunday through Thursday, and between 7 a.m. and 1 a.m., Friday and Saturday. (P&Z) (DSUP #2019-00019).

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)

- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
- R-5 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. **Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters.** (T&ES)
- R-6 Patrons to be clear of outdoor seating area by 11pm, when permissible noise levels, per the noise code, decrease. (T&ES)
- R-7 Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-8 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-9 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)

City Code Requirements:

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

Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 The proposed use may require a building permit for means of egress changes and accessibility requirements.

Health Department:

No comments or concerns.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

- C-1 Applicant shall submit a fire prevention permit application that will result in an inspection by the Fire Marshal's office. Application can be accessed online at:

www.alexandriava.gov/fire-department/the-fire-marshals-office

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00018. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2462 Mandeville Lane.



Applicant - Signature

4/12/2023
Date

Melinda Nettelbeck

Applicant – Printed

4/12/2023
Date