

DATE: October 1, 2015

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0083
Administrative Review for New Use
Site Use: Outdoor Dining
Applicant: Maher Alaramin
Location: 3864 Mount Vernon Avenue
Zone: NR/ Neighborhood Retail

Request

Applicant Maher Alaramin requests to add outdoor dining seats to an existing 17-seat restaurant located on the ground-level of a two-story commercial building at 3864 Mount Vernon Avenue. The applicant proposes to create a 20-seat outdoor dining area on the east side of the restaurant with frontage on Mount Vernon Avenue. The applicant is requesting hours of operation of 5:30 a.m. to 10 p.m. The applicant would serve the same menu that the indoor restaurant, The Waffle Shop, offers throughout the day.

Background

The grandfathered restaurant has operated at this location for several years. It is exempt from SUP requirements due to its grandfathered status.

Inspectors from several city departments discovered excessive signage on the first and second floor windows as well as the need for façade maintenance during an annual Arlandria Code Compliance Walk. An outreach program encouraging Arlandria business owners to voluntarily comply with Code regulations was suggested.

Parking

Pursuant to Section 4-1407(B) of the Zoning Ordinance, existing restaurants are exempt from providing additional parking when providing up to 20 outdoor dining seats in the NR zone. Therefore, the applicant is not required to provide additional parking.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, an email with information about the request was sent to the Sunnyside/Lenox Place Neighborhood Association, the Beverly Hills Manor Community Association, and the Hume Springs Citizens Association. Staff has received several comments from the public supporting the applicant's request.

Staff Action

Staff supports the applicant's request to add outdoor dining seats to the restaurant. The outdoor seats would enliven the pedestrian nature of the neighborhood commercial district. Additionally, the proposed dining area, located on private property, would provide appropriate sidewalk access for pedestrians. Standard conditions for outdoor dining seating areas are included in this report.

Staff hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 10/1/2015
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0083

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 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 outdoor seats at the restaurant shall be 20. (P&Z)
3. The hours of operation for the outdoor seating area are 5:30 a.m. to 10 p.m, daily. (P&Z)
4. No food, beverages, or other material shall be stored outside. (P&Z)
5. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (P&Z)
6. No live entertainment may be permitted in the outdoor seating area. Outdoor seating areas shall not include advertising signage, including on umbrellas. The outdoor dining area shall be cleared of customers by 10 p.m., daily, and washed at the close of each business day that it is in use. (P&Z)
7. Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)
8. 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. (P&Z)
9. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
10. The applicant shall encourage its employees and customers 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. (T&ES)

11. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES)
12. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
13. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES)
14. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (P&Z) (T&ES)
15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
16. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
17. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES)
18. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (T&ES)
19. Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z) (T&ES)
20. No live entertainment shall be permitted in the outdoor seating area. (P&Z) (T&ES)
21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)

22. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
23. 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, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- R-2 The applicant shall encourage its employees and customers 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.
- R-3 At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program.
- R-4 The applicant shall require its employees who drive to work to use off-street parking.
- R-5 The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.
- R-6 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- R-7 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- R-8 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
- R-9 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- R-10 Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

- R-11 Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.
- R-12 No live entertainment shall be permitted in the outdoor seating area.
- R-13 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-14 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement:

No comments received

Health Department:

Food Facilities

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation

No comments received

Police Department

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0083. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 3864 Duke Street.



Applicant - Signature

10-13-2015
Date

Al. Aramon Maher
Applicant - Printed

10-13-2015
Date

