

SCANNED

DATE: November 12, 2015

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

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

SUBJECT: Special Use Permit #2015-0102
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Noe Landini
Location: 1508 Mount Vernon Ave.
Zone: CL/Commercial Low

Request

Special Use Permit #2015-0102 is a request to change ownership of an existing restaurant from Barbara Mancini to Noe Landini. The business proposes to operate as Baker's Bread. Although the applicant is permitted 60 seats through the Change of Ownership application he proposes 30 indoor seats and eight outdoor seats. No changes to the operation are proposed.

Background

City Council approved a restaurant use in 1996 (SUP #95-0205), and subsequent SUP amendments approved by City Council permitted the applicant to provide additional seating, outdoor dining, live entertainment, alcohol sales, and later hours (SUPs #96-0156, #98-0119, and #2001-0020).

City Council approved an encroachment in 1996 (ENC #96-0005) for outdoor dining comprised of 20 outdoor seats in the public right-of-way along Mount Vernon Avenue. A second City Council approved encroachment in 1999 (ENC #99-0001) permitted the business to use the public alleyway at the west end of the parking lot for customer and employee parking.

City Council approved SUP #2002-0024 which was an SUP review, generated by resident complaints and SUP violations. Zoning violations included a failure to repair the driveway and employee parking on nearby streets. Complaints from residents included early morning noise from loading and unloading operations and employees parking on nearby streets.

Parking

The site is developed as a one story commercial building with a surface parking lot with 15 parking spaces. Based on a 60 seat restaurant, the business would be required to provide 15 parking spaces, with one parking space for every four restaurant seats.

The site was able to achieve 15 parking spaces through City Council approval of ENC #99-0001 which gave the applicant use of the public alley for employee and customer parking and required the relocation of an existing dumpster from the alley.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the West Potomac Mews Homeowner Association was sent an e-mail with information about the current application. Staff received one public comment in regards to the current outdoor seating arrangement and concerns about chairs inadvertently impeding pedestrian access to the public sidewalk.

Staff Action

Staff supports the applicant's request for a change of ownership for the business. The continued restaurant use supports the goals of the Mount Vernon Overlay district by preserving a mixed-use environment and generating economic activity through retail sales and job creation. Continued outdoor seating also provides activity on the street front and encourages patrons to linger in the community and possibly shop at other nearby retail destinations.

In regards to the public complaint of chairs blocking the public right-of-way in the sidewalk, staff has added Condition 32 requiring the applicant to abide by conditions established in ENC #96-0005 and ENC #99-0001. The applicant is required to install a barrier to preserve five feet of clear pedestrian space along the sidewalk as stated in Condition 5 of Encroachment #96-0005.

Staff has carried forward several previous SUP conditions regarding entertainment uses, hours of operation, and conditions of prior encroachments. Conditions 17, 19, and 25 were deleted by staff given that the requirements were previously satisfied. Conditions 31, 37, 38, and 39 were added to require staff to park off-street and encourage the use of public transportation and alternative transportation strategies to reduce potential parking demand. Conditions 35 and 36 were added to limit odor, pollution, and potential waste generation by the applicant. Condition 30 was added to include a one year review process for the applicant's SUP and Condition 34 was added to require staff training to discuss provisions of the SUP.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: November 12, 2015
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0102

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. (SUP 95-0205)
2. **CONDITIONA AMENDED BY STAFF:** Indoor Seating shall be provided for no more than 60 patrons. (P&Z) (SUP 96-0156)
3. Condition deleted. (SUP 96-0156)
4. Live entertainment shall be limited to an occasional small combo of jazz or folk music. 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 the food service as well as the entertainment. (SUP 95-0205)
5. The hours of operation shall be limited to 6:00 A.M. to 10:00 P.M. Sunday through Thursday, and until 12:00 Midnight on Fridays and Saturdays. Outdoor seating shall be limited to 8:00 A.M. to 8:00 P.M. daily. (P&Z) (City Council) (SUP 2001-0020)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (SUP 95-0205)
7. On-site alcohol service is permitted, no off-premise sales are permitted. (P&Z) (SUP 2001-0020)
8. No food, beverages, or other material shall be stored outside. (SUP 95-0205)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP 96-0156)
10. Condition deleted. (SUP 96-0156)
11. **CONDITION DELETED BY STAFF** ~~One standard City trash container shall be furnished to the City of Alexandria and installed on the adjacent public right of way. (SUP 95-0205)~~

12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up 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. (SUP 95-0205)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (SUP 95-0205)
14. **CONDITION AMENDED BY STAFF:** ~~All loud speakers shall be prohibited from the exterior of the building and No music or amplified sound shall be audible at the property line.~~ (SUP 95-0205) (P&Z)
15. **CONDITION DELETED AND REPLACED WITH CONDITIONS 31, 37, AND 38:** ~~The applicant shall encourage its employees to walk or use public transportation to and from work and shall require its employees who drive to use off-street parking. The applicant shall include this requirement in its Employee Manual and shall post a sign in the kitchen area reminding employees of the prohibition.~~ (P&Z) (SUP 2002-0024)
16. **CONDITION AMENDED BY STAFF:** Loading or unloading shall occur only between ~~6:00~~ 7:00 AM and 10:00 PM, and no loading or unloading shall occur from the City right-of-way unless authorized by staff. (City Council) (SUP 2001-0020) (P&Z)
17. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Remove the existing telephone booth at the corner of Mount Vernon Avenue and East Monroe Avenue.~~ (SUP 95-0205)
18. Condition deleted. (SUP 96-0156)
19. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall remove the existing wooden canopy from the Mount Vernon Avenue facade and shall consult with the Director of Planning and Zoning regarding the location, design, and size of signs, canopies, and awnings.~~ (SUP 95-0205)
20. **CONDITION AMENDED BY STAFF:** The applicant shall ~~prepare~~ maintain a landscape plan which includes site lighting, a screened dumpster, and parking screening along Mount Vernon Avenue and East Monroe Avenue to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP 96-0156)

21. **CONDITION AMENDED BY STAFF:** ~~The applicant shall implement the approved parking and landscaping plan by June 1, 1997. All landscaping at the site shall be maintained in good condition by the applicant. (P&Z) (SUP 96-0156)~~
22. **CONDITION AMENDED BY STAFF:** The applicant shall restripe the parking lot and maintain the parking lot paving in good repair. (T&ES) (P&Z)(SUP-2002-0024)
23. All exterior work shall be in compliance with the Mount Vernon Avenue Guidelines. (SUP 95-0205)
24. **CONDITION DELETED AND REPLACED WITH CONDITION 31:** ~~The applicant shall participate in a transit fare reduction program in order to encourage restaurant employees to use public transportation whenever possible. (SUP 95-0205)~~
25. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (SUP 95-0205)~~
26. Condition deleted. (SUP 2002-0024)
27. The applicant shall direct or shade parking lot lighting away from adjacent residences to the satisfaction of the Director of Transportation and Environmental Services. (T&ES) (SUP 96-0156)
28. The dumpster shall be located adjacent to the building as depicted on the plat referenced in Ordinance #4048 and shall be completely screened from public view to the satisfaction of the Director of Planning and Zoning, with the requirement that the dumpster be serviced at least three times a week. (P&Z) (City Council)(SUP 2001-0020)
29. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (City Council)(SUP 2001-0020)
30. **CONDITION ADDED BY STAFF:** 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

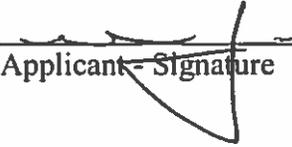
from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

31. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (P&Z)
32. **CONDITION ADDED BY STAFF:** The applicant must comply with all conditions listed in ENC #96-0005 and ENC #99-0001. (P&Z)
33. **CONDITION ADDED BY STAFF:** The maximum number for outdoor seats shall be eight. (P&Z)
34. **CONDITION ADDED BY STAFF:** 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 to prevent the underage sale of alcohol. (P&Z)
35. **CONDITION ADDED BY STAFF:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties. (P&Z)
36. **CONDITION ADDED BY STAFF:** 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)
37. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)
38. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (P&Z)
39. **CONDITION ADDED BY STAFF:** 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. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0102. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1508 Mount Vernon Avenue.



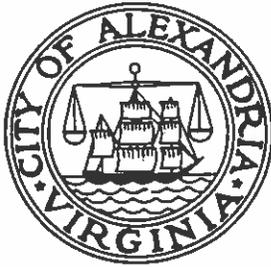
Applicant - Signature

11.13.15
Date

NOE LANDINI

Applicant - Printed

11.13.15
Date



City of Alexandria, Virginia
Department of Planning & Zoning

SCANNED

SPECIAL USE PERMIT CERTIFICATE

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

Special Use Permit #2015-0102

Approved by Planning and Zoning: November 12, 2015

Permission is hereby granted to: Noe Landini

to use the premises located at: 1508 Mount Vernon Ave.

for the following purpose: see attached report

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

11/12/15

Date

Karl Moritz
Karl Moritz, Director
Department of Planning and Zoning

10/10/10

