

DATE: June 29, 2016

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2016-0034
Administrative Review for a Change of Ownership and a Minor Amendment
Site Use: Restaurant
Applicant: Meridian Place Food Group, LLC
Location: 10 East Glebe Road
Zone: CL/Commercial Low

Request

Special Use Permit #2016-0034 is a request to change the ownership of a restaurant at 10 East Glebe Road from Chez Andre by Steven Lecureux to Meridian Place Food Group, LLC. The applicant also proposes to operate one hour later, Sunday through Thursday. The restaurant would be open from 6 a.m. to 12 a.m., daily. The number of seats would remain as 100 indoor seats and 12 outdoor seats. The applicant would offer on-premises alcohol service and indoor acoustic live entertainment.

Background

The existing restaurant has been a grandfathered restaurant since it opened in April 1964 and existed prior to the establishment of Special Use Permit requirements. City Council approved SUP #2009-0077 to permit outdoor seating for 12 seats at the restaurant. The grandfathered status of the restaurant was retained.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant use requires one parking space for every four seats. However, Section 11-513(M)(3) of the Zoning Ordinance exempts the parking requirement for the first 20 outdoor seats. Therefore, a restaurant with 100 indoor seats and 12 outdoor seats would be required to provide 25 off-street parking spaces, which would be accommodated in the 47-space parking lot.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Lynhaven Civic Association, Auburn Village Condominium Association, Herbert Street Station Homeowners Association, and the Mount Vernon Court Community Association were sent an e-mail with information about the current application. Staff received no public comments.

Staff Action

Staff supports the applicant's request for a change of ownership and a minor amendment to add one hour of operation, five days a week. The applicant's proposal ensures the continuation of an established and popular neighborhood restaurant venue. Impacts regarding the increase in hours are not anticipated as the request is minimal. Nonetheless, the expansion of the restaurant hours represents an intensification of the use and nullifies the grandfathered restaurant status. With approval of this SUP, the restaurant must operate according to the standards set forth in the conditions of this report.

Several conditions have been carried forward from SUP #2009-0077, which included conditions for the operation of the outdoor dining as well as the grandfathered restaurant. Limited live entertainment is permitted inside the restaurant, as stated in Condition 6. Conditions 21 and 23 have been deleted as the City Streetscape Improvement Fund is no longer in effect and the Health Department does not require a menu review. The applicant must encourage employee and patron use of public transportation through Conditions 26 and 27.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: June 29, 2016
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0034

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) (SUP #2009-0077)
2. **CONDITION AMENDED BY STAFF:** The indoor hours of operation of the restaurant shall be limited to between 6:00am and ~~11:00pm~~ 12 a.m., Sunday through Thursday, and between 6:00am and 12:00 midnight, Friday and Saturday daily. The outdoor hours of operation shall be limited to between 6 a.m. and 11 p.m., Sunday through Thursday and between 6 a.m. and 12 a.m., Friday and Saturday. (P&Z) (~~SUP #2009-0077~~)
3. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be ~~112~~ 100. The maximum number of outdoor seats shall be 12. (P&Z) (~~SUP #2009-0077~~)
4. **CONDITION AMENDED BY STAFF:** The location and design of the outdoor seating area shall be substantially consistent with the plans submitted with the application for the SUP ~~#2009-0077~~ approval. (P&Z) (~~SUP #2009-0077~~)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2009-0077)
6. **CONDITION AMENDED BY STAFF:** ~~No live entertainment shall be permitted either inside the restaurant or in the outdoor dining area. Limited, live entertainment may be offered indoors at the restaurant. 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) (~~SUP #2009-0077~~)
7. No delivery service shall be available from the restaurant. (P&Z) (SUP #2009-0077)
8. On-premises alcohol service is permitted, but no off-premises sales are allowed. (P&Z) (SUP #2009-0077)
9. Meals ordered before the closing hour may be sold, 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. (P&Z) (SUP #2009-0077)
10. 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) (SUP #2009-0077)

11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2009-0077)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2009-0077)
13. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking, ~~and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on site for employees.~~ (P&Z)(T&ES) (SUP #2009-0077)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES) (SUP #2009-0077)
15. Outdoor seating areas shall not include advertising signage, including on umbrellas or awnings. (P&Z) (SUP #2009-0077)
16. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP #2009-0077)
17. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floormats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2009-0077)
18. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2009-0077)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2009-0077)
20. 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. (T&ES) (SUP #2009-0077)
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (T&ES, RP&CA) (SUP #2009-0077)~~
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 and robbery readiness training for all employees. (Police) (SUP #2009-0077)

23. **CONDITION DELETED BY STAFF:** ~~Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP #2009-0077)~~
24. The existing vegetative screening along Wilson Avenue and the north property line shall be maintained to the satisfaction of P&Z and RPCA. (RP&CA) (SUP #2009-0077)
25. **CONDITION AMENDED 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 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) (SUP #2009-0077)
26. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of approval, the business shall contact the Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
27. **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. (T&ES)
28. **CONDITION ADDED BY STAFF:** 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

Findings:

1. Due to the close proximity to residential areas, the current operating hours outdoors should remain. (T&ES)

Conditions:

13. **CONDITION AMENDED BY STAFF:** ~~The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.~~ (P&Z)(T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
17. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
18. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
20. 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. (T&ES)
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24. **CONDITION ADDED BY STAFF:** 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)

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 City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES) (SUP2009-00077)

- 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) (SUP2009-00077)

Code Department

No comments received

Fire Department

- C-1 A new fire prevention permit is required for change in ownership.

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

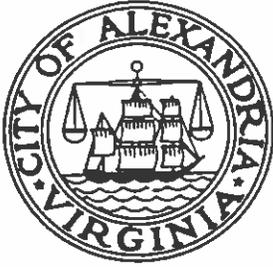
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0034. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 10 East Glebe Road.

6/30/16
Date

Gregory F Rushow
Applicant - Printed



6/30/16
Date



City of Alexandria, Virginia
Department of Planning & Zoning

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 #2016-0034

Approved by Planning and Zoning: June 29, 2016

Permission is hereby granted to: Meridian Place Food Group, LLC

to use the premises located at: 10 East Glebe Road

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.

6/29/16

Date

KARL MORITZ/AD

Karl Moritz, Director

Department of Planning and Zoning
