



DATE: April 7, 2017

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

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2017-0024  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Susan Baharmast  
Location: 106 Hume Ave  
Zone: CL: Commercial Low

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### **Request**

Special Use Permit #2017-0024 is a request for a change in ownership of an existing restaurant, with a five space parking reduction from Connie Desrosiers to Susan Baharmast. The restaurant that has operated under the name Emma's since the original SUP was approved in 2014. The applicant proposes no changes to the 40 indoor and 18 outdoor seats, and the hours will remain the same.

### **Background**

The current restaurant located at 106 Hume Avenue was previously a single family residential dwelling until 2011, when a previous applicant converted it into two dwelling units, later adding a basement level apartment in 2013. In 2013, City Council approved SUP#2012-0077 for a coffee shop and wine bar/restaurant. In 2014, City Council approved SUP#2014-0029 to extend the original SUP allowing the applicant open the proposed restaurant after previous agreements between business partners fell through.

### **Parking**

Pursuant to Section 8-200 (A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. The applicant provides 10 off-street parking spaces and was granted a five space parking reduction for the 18 outdoor seats. In June 2016, City Council amended the Zoning Ordinance to waive the parking requirement for the first 20 outdoor seats city-wide, therefore, the parking reduction is no longer necessary.

### **Community Outreach**

Public Notice was provided through eNews, the City's website, and by posting placards at the site. In addition, Del Ray Citizens Association and Warwick Village Citizens Association have been informed of the change of ownership request. Staff has not received any comments or concerns related to the request.

**Staff Action**

Staff supports the applicant's request for a change in ownership of the restaurant at 106 Hume Avenue. The use is consistent with the CL zone and the Potomac West small area plan, which encourages small-scale pedestrian oriented uses. Though located near residences, the continuation of previously approved conditions including limiting hours and the prohibition of delivery vehicles from using side streets, will mitigate neighborhood impacts and staff has not received neighbor complaints related to this business operation. As the applicant is no longer required to provide parking for outdoor seating, the parking reduction is no longer necessary. In addition staff has added Conditions 25-30 which are standard for present-day SUPs. Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: April 7, 2017

Action: Approved



Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2017-0024**

The 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2012-0077)
2. The maximum number of indoor seats at the restaurant shall be 40. The maximum number of outdoor seats at the restaurant shall be 18 and may only be located in front of the restaurant. (P&Z) (SUP#2012-0077)
3. The hours of operation for the restaurant shall be limited to between 6 a.m. to 10 p.m. Sunday-Thursday and 6 a.m. to 11 p.m. Friday and Saturday. For indoor patrons, meals ordered before 10 p.m. Sunday-Thursday or before 11 p.m. Friday or Saturday may be sold, but no new patrons may be admitted after 10 p.m. Sunday-Thursday or before 11

- p.m. Friday or Saturday and no new alcohol may be served and all patrons must leave by 11 p.m. Sunday-Thursday or 12 midnight Friday and Saturday. (P&Z) (SUP#2012-0077)
4. The hours of operation for outdoor seats shall be limited to between 7 a.m. and 10 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. daily. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2012-0077)
  5. On-premises alcohol service may be offered but off-premises alcohol sales shall be prohibited. (P&Z) (SUP#2012-0077)
  6. All façade improvements to the building, including any awnings or signage, shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2012-0077)
  7. Limited live entertainment may be offered at the restaurant, typically in the form of only a few musicians playing background music for restaurant customers. No live entertainment shall be permitted outside. Live entertainment shall cease no later than 9:30 p.m. Sunday-Thursday nights and no later than 10 p.m. on Friday and Saturday nights. 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#2012-0077)
  8. Delivery service of food to customers shall be limited to occasional catering deliveries only and only using pedestrian or bicycle transportation or employee vehicles. (P&Z) (SUP#2012-0077)
  9. 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#2012-0077)
  10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2012-0077)
  11. 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#2012-0077)
  12. Landscaping may be installed on City-owned property adjacent to the existing fence to the satisfaction of the Director of Planning & Zoning, but shall not include the planting of trees and shall be subject to a separate agreement with the City to cover the installation and future maintenance.
  13. Access to the commercial parking lot shall be directly from Hume Avenue only. (P&Z) (SUP#2012-0077)

14. Supply deliveries, loading, and unloading activities shall occur only in the parking lot. No delivery trucks shall be parked on Hume Avenue or in the public alley to the north of the property, and all loading and unloading activities shall be prohibited from the public right-of-way. (P&Z) (SUP#2012-0077)
15. The applicant shall prohibit all vendors, including supply delivery trucks and maintenance vehicles, from using residential side streets when traveling to the restaurant. Vendors shall access Hume Avenue directly from Mount Vernon Avenue only. (P&Z) (SUP#2012-0077)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 9 p.m. and 7 a.m. (P&Z) (T&ES) (SUP#2012-0077)
17. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES) (SUP#2012-0077)
18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2012-0077)
19. 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) (SUP#2012-0077)
20. 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, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2012-0077)
21. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2012-0077)
22. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #25:**  
~~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. (T&ES) (SUP#2012-0077)~~
23. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (P&Z) (SUP#2012-0077)~~

24. **CONDITION AMENDED BY STAFF:** 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. (P&Z) (SUP#2014-0029)
26. **CONDITION ADDED BY STAFF:** 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z)
26. **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 Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information on establishing an employee transportation benefits program. (P&Z)
27. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)
28. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
29. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
30. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung -- a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it.(P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0024. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 106 Hume Avenue.

Baharmast  
Applicant - Signature

04/17/17  
Date

Susan Baharmast  
Applicant - Printed

04/17/17  
Date