

DATE: March 7, 2019

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Cara DelVecchio, Non-development Case Unit Intern, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0012
Administrative Review for Special Use Permit for a Minor Amendment and
Change of Ownership

Site Use: Restaurant
Applicant: Nicole Jones
Location: 2307 A Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2019-0012 is a request to change ownership of an existing 995-square foot restaurant, previously known as Happy Tart, from Emma Cech to Nicole Jones. The applicant also requests changes to the existing SUP conditions regarding the hours of operation. The proposed hours of operation would be 7 a.m. to 10 p.m. daily. The applicant would continue to provide 10 indoor seats and 20 outdoor seats. All other aspects of the business operation would remain the same. The applicant will be operating a quick service restaurant with counter service and carry-out, specializing in bagels and coffee and special family friendly meals during the Spring and Fall.

Background

A bakery and restaurant has operated at this site since January 2012 with City Council approval of SUP#2016-0055 for a restaurant with outdoor seating and for a parking reduction of three spaces. Three parking spaces were provided through a lease agreement at 1804 Mount Vernon Avenue, as required in Condition 17.

Parking

A parking reduction for three spaces was required for the approval of SUP#2016-0055 as the review took place prior to the January 2018 parking standard amendments to the Zoning Ordinance.

At this time, Section 8-200(A)(17)(a)(i) requires that restaurants in the enhanced transit area provide a minimum of one parking space for every 1,000 square feet. Section 8-200(A)(17)(c) states that the first 20 outdoor seats are exempt from a parking requirement. With 995 square feet, the applicant must provide one parking space. Given that Section 8-100(A)(9) allows for a parking exemption when two spaces or less are required by the Zoning Ordinance, the applicant is not required to provide parking spaces for the business.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens Association and North Ridge Citizens Association received notification of the SUP request. The Del Ray Citizens Association's Land Use Committee has submitted a letter of support for the SUP request.

Staff Action

Staff supports the change of ownership and the minor amendment for a business in a popular Del Ray location. Staff believes that the minor amendment for two additional hours of operation each morning is consistent with other nearby restaurants and will allow the applicant more flexibility in their operations. Conditions have been carried forward and staff has amended condition language to reflect current standards and has added new conditions. Conditions #3 and #4 have been amended to reflect the request for change in hours of operation. Conditions #14, and #16 have been deleted and replaced with Conditions #29 and #31 to reflect the updated Go Alex transportation program. Given that the parking requirements have changed and the applicant is no longer required to provide parking, Condition #17 has been deleted.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: March 7, 2019
Action: Approved



Tony LaCella, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0012

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 corporation in which the applicant has a controlling interest. (P&Z) (SUP#2016-0055)
2. The maximum number of indoor seats shall be 10; the maximum number of outdoor seats shall be 20. (P&Z) (SUP#2016-0055)
3. **CONDITION AMENDED BY STAFF:** The hours of operation for indoor seating shall be 7 a.m. 9 a.m. to 10 p.m., daily. Meals ordered before 10 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 11:00 p.m., daily. (P&Z) (SUP#2016-0055)
4. **CONDITION AMENDED BY STAFF:** The hours of operation for outdoor seating shall be 7 a.m. 9 a.m. to 10 p.m., daily. Outdoor dining shall be closed and cleared of all customers by 10:00 p.m., Sunday through Thursday, and by 11:00 p.m. on Friday and Saturday. (P&Z)
5. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2016-0055)
6. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2016-0055)
7. On-premises alcohol sales are permitted. Off-premises alcohol services are not permitted. (P&Z) (SUP#2016-0055)
8. **CONDITION AMENDED BY STAFF:** Food delivery operated and managed by the applicant shall not be permitted. Delivery of food to customers may not operate from the restaurant. (P&Z) ~~(SUP#2016-0055)~~
9. Live entertainment is not permitted. (P&Z) (SUP#2016-0055)
10. Food, beverages, or other material shall not be stored outside. (P&Z) (SUP#2016-0055)
11. 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#2016-0055)

12. Supply delivery vehicles shall not encroach in the public right-of-way. (P&Z)
(SUP#2016-0055)
13. The applicant shall require its employees who drive to use off-street parking. (T&ES)
(SUP#2016-0055)
14. **CONDITION DELETED AND REPLACED WITH CONDITION #29:** ~~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 Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP#2016-0055)~~
15. The applicant shall direct patrons to the availability of off-street parking at nearby lots and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies on the Del Ray Parking Study. (T&ES) (SUP#2016-0055)
16. **CONDITION DELETED AND REPLACED WITH CONDITION #31:** ~~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 localmotion@alexandriava.gov for more information about available resources. (T&ES) (SUP#2016-0055)~~
17. **CONDITION DELETED BY STAFF:** ~~The applicant shall maintain an up-to-date parking agreement for three off street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. Evidence of the parking agreement shall be provided during regular SUP inspections. (P&Z) (T&ES) (SUP#2016-0055)~~
18. 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) (SUP#2016-0055)
19. 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#2016-0055)

20. The use must comply with the city's noise ordinance. 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#2016-0055)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP#2016-0055)
22. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP#2016-0055)
23. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP#2016-0055)
24. 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) (SUP#2016-0055)
25. 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP#2016-0055)
26. 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. (T&ES) (SUP#2016-0055)
27. Litter on the site and on public rights-of-way and spaces adjacent 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 any unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2016-0055)
28. **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 with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2016-0055)

29. **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 for information on establishing an employee transportation benefits program. (T&ES)
30. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
31. **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 for more information about available resources. (T&ES)

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 direct patrons to the availability of off-street parking at nearby lots and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the Del Ray Parking Study. (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 maintain an up-to-date parking agreement for three off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. Evidence of the parking agreement shall be provided during regular SUP inspections. (P&Z) (T&ES)

- R-5 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-6 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)

- R-7 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)

- R-8 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)

- R-9 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

- R-10 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

- R-11 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) (P&Z)
- R-12 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-13 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. (T&ES)
- R-14 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)
- 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 a 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:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

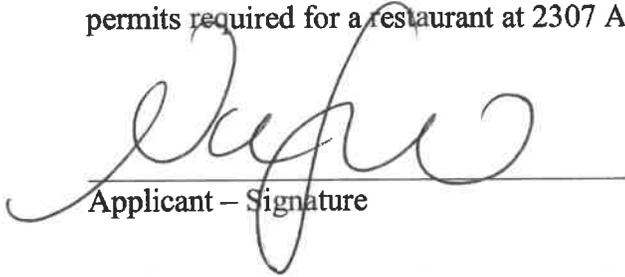
No comments received.

Fire:

R-1 Based on the information provided, it appears that the occupant load is less than 49 therefore, no fire prevention permit is required. However, should the occupancy load ever exceed 49 (total of all employees and patrons), a fire prevention permit will be required.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 2307 A Mount Vernon Avenue.


Applicant – Signature

8/30/19
Date

Nicole Jones
Applicant – Printed

8/30/19
Date