DATE: April 1, 2016

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

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

SUBJECT: Special Use Permit #2016-0015
Administrative New Use Special Use Permit

Site Use:	Restaurant, Coffee Shop & Outdoor Dining
Applicant:	Hewan Seifu
Location:	2003-A Mount Vernon Ave (Parcel Address: 2001 Mount Vernon Ave)
Zone:	CL/Commercial Low & Mount Vernon Avenue Urban Overlay Zone

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Request

Special Use Permit #2016-0015 is a request to operate a new restaurant (coffee shop) to be known as Dolce and Bean at 2003-A Mount Vernon Avenue. The proposed ground-floor restaurant of approximately 800 square feet is located in a two story building with an adjacent hardware store and with office uses on the second floor. The building is situated at the corner of Mount Vernon Avenue and East Howell Avenue and has a surface parking lot with six parking spaces in the rear.

The applicant proposes a coffee shop with counter service, focusing on the sale of gourmet gelato, ice cream, chocolates, candy, coffee, and pastries. The applicant proposes the following operating conditions.

Indoor Dining:

- Eight seats
- Hours: 7:00 am – 11:00 pm, daily.

Outdoor Dining:

- 12 seats
- Hours: 7:00 am – 10:00 pm, daily.

When seasonally appropriate, outdoor dining would utilize the adjacent alleyway, located between the applicant's subject tenant space and the adjacent building at 2005 Mount Vernon Avenue. The applicant proposes to provide a barrier at the entrance of the alleyway to deter vehicles from entering when in use for outdoor seating and to work with the adjacent property owner to identify appropriate seating options. The applicant does not propose live entertainment or the sale of alcohol.

Background

In June 2001, City Council approved SUP #2001-0049 for the operation of an ice cream parlor with ten seats and a four-space parking reduction, in the subject tenant space. Staff administratively approved a change of ownership in 2008 through SUP #2008-0036. A

second administrative SUP was approved in August 2012 to intensify the ice cream parlor use by increasing the number of indoor seats to 20, an expansion of menu items to more formal lunchtime offerings, including sandwiches, and the approval of 20 outdoor seats that were partially located in the alley. That restaurant has subsequently closed and a retail establishment has been located at this site since then.

Parking

Pursuant to section 8-200(A)(8) of the Zoning Ordinance, an off-street parking space must be provided for every four restaurant seats. Section 6-604(B) of the Zoning Ordinance exempts the first 20 outdoor dining seats in the Mount Vernon Urban Overlay Zone from required parking. Therefore, a restaurant with eight indoor seats and 12 outdoor seats would be required to provide two off-street parking spaces. The applicant has the use of two parking spaces in the shared surface parking lot located behind the subject tenant space. In addition, through an informal shared parking agreement the applicant has been granted the use of two additional parking spaces in the shared parking lot, typically reserved for upstairs office users, to use after 5 p.m. during the week and all-day on weekends.

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, the Del Ray Business Association, Potomac Greens Homeowners Association, Old Town Greens Townhome Owners Association, the Old Town Greens Unit Owners Association, and the Del Ray Land Use Committee were sent an e-mail with information about the current application. Staff received one email in regards to the application which stated support of the use but included concerns in regards to staff parking and potential impacts of delivery vehicles. The applicant also presented its proposed restaurant use to the Del Ray Citizens Association's Land Use Committee. The committee was similarly supportive of the use but requested assurances that parking would not be an issue and that the outdoor seating would provide a safe and inviting atmosphere for patrons and the community. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff supports the applicant's request to operate a restaurant at 2003-A Mount Vernon Ave. The proposed restaurant is located in the Mount Vernon Overlay which encourages vibrant ground floor uses that contribute to the economic and social activity of the community. A new restaurant would provide an active destination for local residents and visitors and support the goals of the Mount Vernon Overlay. As the site of a former ice cream and coffee-like shop, staff does not believe a similar restaurant model will create a negative impact in the community, especially since the applicant has demonstrated an ability to provide adequate parking. To ensure ongoing sensitivity to the nearby residential community, staff has included Condition 24 requiring that delivery trucks use designated vehicular routes in the neighborhood. Staff has included standard conditions such as those regulating hours, parking, litter, noise impacts, and staff training.

Staff approves the outdoor dining request. Seasonally available outdoor seating will further enable a vibrant streetscape and encourage outdoor activity in the community by enhancing the pedestrian experience and increasing the visibility of the restaurant as a destination. The applicant has demonstrated a strong working relationship with property owners on both sides of the alleyway to ensure that outdoor seating becomes an amenity for the Del Ray Community and has submitted letters of agreement in support of the application. Staff has included standard conditions regulating the hours of activity and proper cleaning procedures in Condition 4, and noise regulations through Condition 19 to ensure the outdoor seating serves as a positive amenity for the community. In response to community concerns in regards to safe outdoor seating, staff developed Condition 14 to require the applicant to utilize a barrier at the entrance of the alley to deter vehicular use when the area is set up for outdoor seating.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 1, 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 #2016-0015

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)

2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

3. The maximum number of indoor seats allowed at the restaurant shall be eight. The maximum number of outdoor seats allowed at the restaurant shall be 12. (P&Z)

4. The hours of operation of the restaurant shall be limited to between 7 a.m. and 11 p.m., daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)

5. The maximum hours of operation for outdoor seats at the restaurant shall be 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 and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)(T&ES)

6. No alcohol sales are permitted. (P&Z)

7. No live entertainment shall be provided at the restaurant. (P&Z)

8. No food, beverages, or other material shall be stored outside. (P&Z)

9. 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 does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)

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. (P&Z)

11. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)

12. 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)

13. Prior to installation, the applicant shall provide illustrations for the outdoor dining area for review and approval by the Director of Planning & Zoning. The design shall be consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan. (P&Z)

14. The applicant shall implement a barrier to prevent vehicles from entering the alleyway when in use for outdoor dining. (P&Z)

15. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)

16. The applicant shall post information online and install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES) (P&Z)

17. 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. (T&ES)

18. Litter on the site and on public rights-of-way and spaces adjacent to or within 7 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)

19. 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)(P&Z)

20. 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)

21. 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. (T&ES)

22. No live entertainment shall be permitted in the outdoor seating area. (T&ES)

23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

24. The applicant shall ensure that all delivery trucks are aware that Howell Avenue is posted for "No Thru Trucks". Delivery trucks shall not use Howell Avenue to access Route 1. (T&ES)

25. 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)

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)

27. 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 Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

28. 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)

29. 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)

30. 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)

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 work to use off-street parking. (T&ES)

R-2 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)

R-3 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. (T&ES)

R-4 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)

R-5 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)

R-6 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)

R-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. (T&ES)

R-8 No live entertainment shall be permitted in the outdoor seating area. (T&ES)

R-9 Operating hours for the seats in the alley are from 7 am to 10 pm. (T&ES)

R-10 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-11 The applicant shall ensure that all delivery trucks are aware that Howell Avenue is posted for "No Thru Trucks". Delivery trucks shall not use Howell Avenue to access Route 1. (T&ES)

R-12 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-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 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 Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

R-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 in the Del Ray Parking Study. (T&ES)

R-16 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)

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)

Health Department

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 packing, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Fire Department

F-1 No concerns or comments.

Police Department

No comments received.

Recreation, Parks, and Cultural Activities

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0015. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2003-A Mount Vernon Avenue.

Applicant - Signature

04/05/2016
Date

PETROS GHEBRE - EGZIABHER
Applicant – Printed

04/05/2016
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	#2016-0015
Approved by Planning and Zoning:	April 1, 2016
Permission is hereby granted to:	Hewan Seifu
to use the premises located at:	2003-A Mount Vernon Ave (Parcel Address: 2001 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.

4/1/16
Date

Karl Moritz, Director
Department of Planning and Zoning