



# APPLICATION

## SPECIAL USE PERMIT

SPECIAL USE PERMIT # ~~03A.04-06-A~~

PROPERTY LOCATION: 2000 MT. VERNON AVENUE

TAX MAP REFERENCE: 03A.04-06-14 ZONE: CL

**APPLICANT:**

Name: MAJESTIC GRILL DBA EVENING STAR #

Address: PLANET WINE  
2000 MT. VERNON AVENUE

PROPOSED USE: ADD 30 OUTDOOR SEATS TO EXISTING  
PATIO IN FRONT OF 2000 MT. VERNON AVE

**THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

<u>MAJESTIC GRILL BY STEPHANIE BABIN</u>	<u>SWBabin</u>	<u>7.29.12</u>
Print Name of Applicant or Agent	Signature	Date
<u>2000 MT. VERNON AVE</u>	<u>703.362.6403</u>	<u>703.549.8520</u>
Mailing/Street Address	Telephone #	Fax #
<u>Alex, VA 22301</u>	<u>SWBABIN@gmail.com</u>	
City and State	Zip Code	Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 2000 Mt. Vernon Ave, I hereby  
 (Property Address)  
 grant the applicant authorization to apply for the OUTDOOR DINING use as  
 (use)  
 described in this application.

Name: Stephanie BABIN Phone: 703.302.6403  
 Please Print  
 Address: 2000 Mt. Vernon Ave. Email: SWBABIN@gmail.com  
 Signature: [Signature] Date: 7.24.12

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- Owner
- Contract Purchaser
- Lessee or
- Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

OWNERS:		BUILDING:
MAJESTIC TRILL	DBA Evening Star	
MICHAEL BABIN	1 Planet wide 33.33%	MICHAEL BABIN 50%
Stephanie BABIN	33.33%	STEPHANIE BABIN 50%
M. CHRISTI HART	33.33%	

**OWNERSHIP AND DISCLOSURE STATEMENT**

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Michael Babin	30A Aspen Pl.	33.33 %
2. S.W. Babin	308 Hume Ave	33.33 %
3. CHRISTI HART	309 Hume Ave.	33.33 %

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2000-2008 Mt. Vernon (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Michael Babin	30A Aspen Pl.	50%
2. Stephanie Babin	308 Hume Ave	50%
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. None		
2. None		
3. None		

**NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.**

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

7-29-12      Stephanie Babin      

Date                      Printed Name                      Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia? *N/A*

**Yes.** Provide proof of current City business license

**No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

### **NARRATIVE DESCRIPTION**

**3.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

We are requesting to have 30 dining seats on the existing patio located in front of 2006 Mt. Vernon Ave. The patio has historically been used for happy hours by previous tenants. We purchased the building in 2011 and would like to install courtyard-style dining in front of the small existing building. This dining <sup>area</sup> would face Mt. Vernon Avenue and is shielded to the west by existing buildings and therefore we anticipate minimal to no noise reaching residential neighbors. It would help to create a vibrant, engaging look and experience to the Mt. Vernon Avenue commercial district.

**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):

- a new use requiring a special use permit,
- an expansion or change to an existing use without a special use permit,
- an expansion or change to an existing use with a special use permit,
- other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

30 seats - approximately 20 customers  
at one sitting maximum expected

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

11-5 Sun - Monday additional 2 Service  
5-10 Sun - Monday additional 3 Service  
personnel

6. Please describe the proposed hours and days of operation of the proposed use:

TO comply with existing SUP hours.

Day:

Hours:

_____	_____
_____	_____
_____	_____
_____	_____

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

no noise anticipated from <sup>Equipment</sup> Patrons; Minimal  
noise from customers & service personnel

B. How will the noise be controlled?

management is trained to handle potential  
noise issues and to ensure customers  
and staff are not creating undue noise.

8. Describe any potential odors emanating from the proposed use and plans to control them:

Minimal odor (if any) from food consumed on patio; no additional cooking odor other than current minimal odors expected.

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Minimal increase in existing food, paper, and beverage garbage

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Increase expected to be max 2-3 bags per day at height of busy time.

C. How often will trash be collected?

Trash is currently collected Mondays & Thursdays. No anticipated increase expected.

D. How will you prevent littering on the property, streets and nearby properties?

Staff is trained to remove any litter immediately; service will be monitored consistently for potential trash & litter.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[ ] Yes.  No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes.       No.

If yes, provide the name, monthly quantity, and specific disposal method below:

We currently store cleaning supplies including degreasing solutions. A minimal increase is expected. We attempt to only use biodegradable cleaning products.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

We have worked with the City of Alexandria Police Dept on safety plans & will continue to train our staff accordingly.

### ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes       No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Beer, wine, & liquor on-premise. We currently have a permit from the Virginia ABC that will include sales on this patio once the SUP for additional seats is approved.

**PARKING AND ACCESS REQUIREMENTS**

14. A. How many parking spaces of each type are provided for the proposed use:

- 0   Standard spaces
- 0   Compact spaces
- 0   Handicapped accessible spaces.
- 0   Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?  
 Yes  No

B. Where is required parking located? (check one)

- on-site
- off-site

*n/A*

If the required parking will be located off-site, where will it be located?

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? LOADING *space exists for*

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?  
 Yes  No

*current restaurant in rear parking lot.*

B. Where are off-street loading facilities located? n/a

C. During what hours of the day do you expect loading/unloading operations to occur?  
we currently receive deliveries between 8am - 3pm Mon - Saturday

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
we receive deliveries daily under existing sup. we do not anticipate an increase in those deliveries

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

STREET ACCESS IS ADEQUATE

**SITE CHARACTERISTICS**

17. Will the proposed uses be located in an existing building?  Yes  No

Do you propose to construct an addition to the building?  Yes  No

How large will the addition be? n/a square feet.

18. What will the total area occupied by the proposed use be?

4000 sq. ft. (existing) + 200 sq. ft. (addition if any) = 4200 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building

a house located in a residential zone

a warehouse

a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: \_\_\_\_\_

other. Please describe: STAND ALONE BUILDING with office and retail use.

End of Application

SUP # 2012-0054  
Admin Use Permit # \_\_\_\_\_



## SUPPLEMENTAL APPLICATION

### RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?  
Indoors: \_\_\_\_\_ Outdoors: 30 Total number proposed: 30

2. Will the restaurant offer any of the following?  
Alcoholic beverages (SUP only)  Yes  No  
Beer and wine — on-premises  Yes  No  
Beer and wine — off-premises  Yes  No *Currently hold an off-premise license*

3. Please describe the type of food that will be served:  
Existing menu of Evening Star Cafe will be offered.

4. The restaurant will offer the following service (check items that apply):  
 table service ( bar  carry-out)  delivery  
*(existing use)*

5. If delivery service is proposed, how many vehicles do you anticipate? \_\_\_\_\_  
Will delivery drivers use their own vehicles?  Yes  No  
Where will delivery vehicles be parked when not in use?  
\_\_\_\_\_

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
 Yes  No  
If yes, please describe:  
we currently have an SUP for music.

**Parking impacts.** Please answer the following:

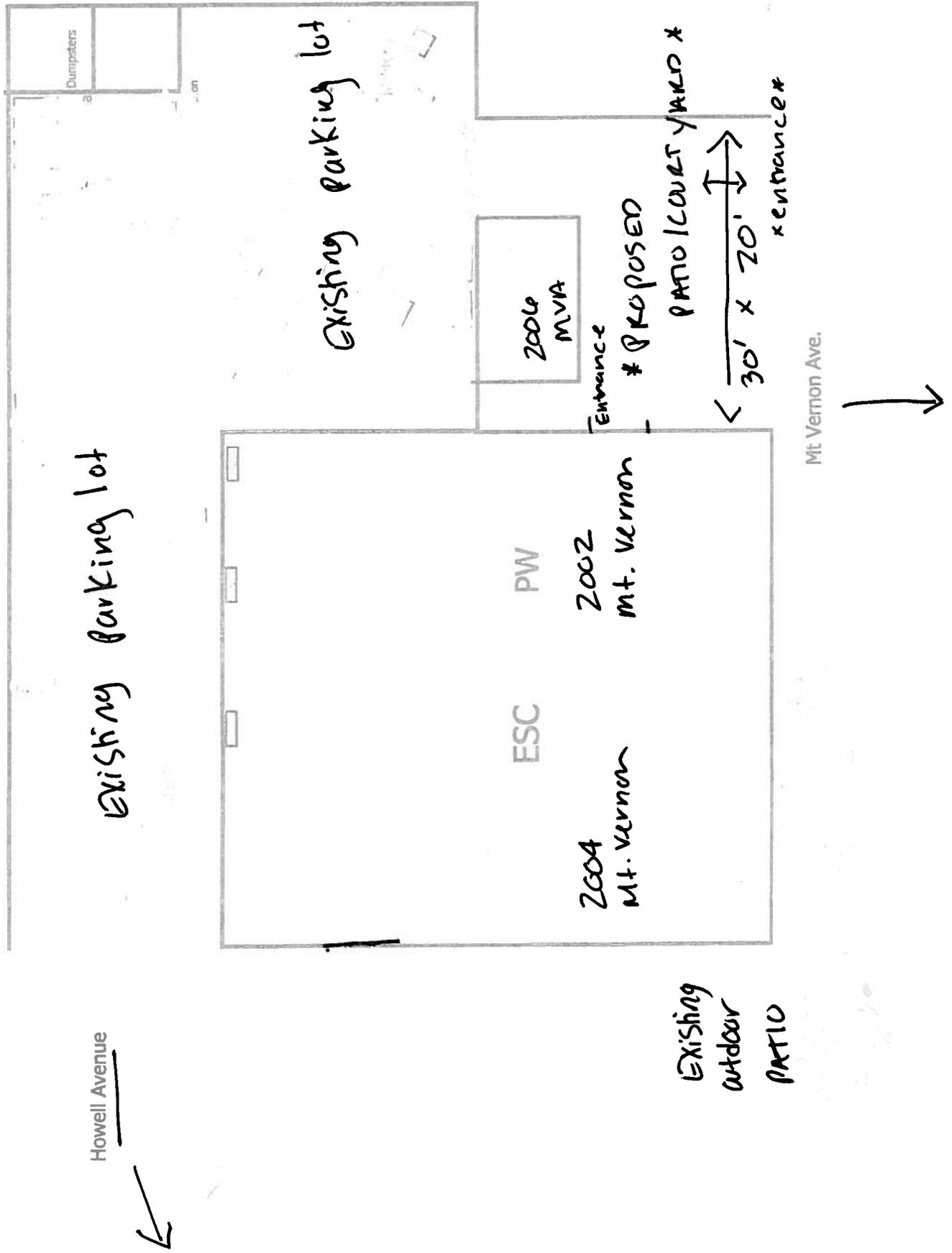
1. What percent of patron parking can be accommodated off-street? (check one)  
 100%  
 75-99%  
 50-74%  
 1-49%  
 No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)  
 All  
 75-99%  
 50-74%  
 1-49%  
 None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)  
 No parking impact predicted  
 Less than 20 additional cars in neighborhood  
 20-40 additional cars  
 More than 40 additional cars

**Litter plan.** The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant. *We currently have a litter plan in place.*

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:  
\_\_\_\_\_ Maximum number of patron dining seats  
+ \_\_\_\_\_ Maximum number of patron bar seats  
+ \_\_\_\_\_ Maximum number of standing patrons  
= \_\_\_\_\_ Maximum number of patrons  
*additional 30 people to our current SUP.*
  
2. 10 Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)  
 Closing by 8:00 PM  
 Closing after 8:00 PM but by 10:00 PM  
 Closing after 10:00 PM but by Midnight  
 Closing after Midnight  
*please refer to existing SUP; no change suggested.*
  
4. Alcohol Consumption (check one)  
 High ratio of alcohol to food  
 Balance between alcohol and food  
 Low ratio of alcohol to food

MAJESTIC GRILL, INC WITH EVENING STAR CAFE & PLANET WINE  
2000 Mt. Vernon Ave  
Proposed OUTDOOR DINING





# APPLICATION - SUPPLEMENTAL

## PARKING REDUCTION

**Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).**

**1. Describe the requested parking reduction.** (e.g. number of spaces, stacked parking, size, off-site location)

We are requesting removal of off site parking requirements (currently 13 spaces) and a reduction of ~~13~~ 8 spaces required by proposed additional outdoor seats requested.

**2. Provide a statement of justification for the proposed parking reduction.**

Currently there is adequate on-street parking to fulfill customer parking needs. Many customers are local and walk to the restaurant.

**3. Why is it not feasible to provide the required parking?**

Limited availability of potential spaces.

**4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?**

\_\_\_\_\_ Yes.  No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

**Parking Management Plan**  
**Evening Star Café**  
**2000 Mt. Vernon Avenue**

The Evening Star Café currently has 14 parking spaces onsite. Those spots are located behind the restaurant in our rear parking lot.

There are ample on-street parking spots located on Mt. Vernon Avenue. Currently, we share these spaces with the following restaurants:

**Thai Peppers:**

\*Thai Peppers has a large parking lot in the rear of their building that is rarely full and is more than sufficient to service their clientele.

**Artfully Chocolate:**

\*Artfully Chocolate uses on-street parking but has a small number of seats and closes earlier than the Evening Star.

The next closest restaurants on Mt. Vernon Avenue are several blocks in either direction from the Evening Star. There is very little to no overlap in the competition for parking spaces with those restaurants in our block. Del Ray Café, a restaurant on Howell Street has a large parking lot that provides parking for their customers.

To Mitigate any Negative Affects of the Parking Reduction:

\*We plan to encourage our guests and employees who are local to walk to the restaurant for work or when frequenting the Evening Star.

\*We will encourage our employees to use local public transportation.

\*We will make the parking lot available to restaurant guests only after 5pm.

\*We will encourage our customers to make use of the public lot on the corner of Oxford and Mt. Vernon Avenue.

\*We will use literature presented at the table, on our website, and on our other social media to inform customers of the availability to access our restaurant via public transport; the available parking on Mt. Vernon Avenue and in the local lots on Mt. Vernon Avenue; and we will discourage our customers from parking on side streets such as Howell or Windsor Avenue.

Docket Item #32  
SPECIAL USE PERMIT #99-0105

Planning Commission Meeting  
October 5, 1999

**ISSUE:** Consideration of a review of a special use permit and a request to expand the existing restaurant to include a private dining room and wine bar, to increase the hours of the outdoor dining area, and for a reduction of off-street parking.

**APPLICANT:** Majestic Grill, Inc., trading as Evening Star Cafe  
by Stephanie Babin

**LOCATION:** 2000 Mount Vernon Avenue

**ZONE:** CL/Commercial Low

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**CITY COUNCIL ACTION, OCTOBER 16, 1999:** Approved the recommendation of the Planning Commission and approved the request, subject to compliance with all applicable codes, ordinances and staff recommendations and with the following amendments: deleted condition #27, and in condition #4 changed the hours for outdoor dining to 10:00 p.m., which would mean that it shall be cleared of all diners by 10:00 p.m. and the area cleaned and washed by 10:30 p.m.

Council Member Walker recused herself from this item since she and her husband own the property, and Vice Mayor Euille recused himself since he has a financial interest in this business.

**PLANNING COMMISSION ACTION, OCTOBER 5, 1999:** On a motion by Mr. Wagner, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

**Reason:** The Planning Commission agreed with the staff analysis.

**Speakers:**

Dan Claman, 113 East Howell Avenue, opposed the applicant's request expressing concerns about the parking and noise impacts associated with the patrons of the restaurant.

Stephanie Babin, applicant, explained the application.

STAFF RECOMMENDATION:

Staff recommends **approval** of the applicant's request to expand the restaurant and for the reduction of off-street parking, and **denial** of the later hours of operation for the outdoor dining area. Staff recommends that the approval be subject to compliance with all applicable codes and ordinances and the following conditions:

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 #97-0051)
2. Seating shall be provided for no more than 85 patrons on the ground floor, including both indoor and outdoor dining areas, and an additional 35 seats on the second floor. (P&Z) (SUP 99-0105)
3. Outside dining facilities shall be limited to five tables and 20 seats, consistent with the plan submitted by the applicant and approved by staff. The area shall be landscaped according to that plan and the area between the existing sidewalk and the outdoor seating area shall be filled with unidecor brick. (P&Z) (SUP 97-0069)
4. The hours during which the restaurant is open to the public shall be restricted to between 7:00 A.M. and 11:00 P.M. Sunday through Thursday, and between 7:00 A.M. and 12:00 Midnight on Friday and Saturday. Hours of operation for the outdoor dining area shall be limited to between 8:00 A.M. to 10:00 P.M., daily. The outdoor dining area shall be cleared of all diners by 10:00 P.M. and the area cleaned and washed by 10:30 P.M. The hours during which the retail business is open to the public shall be restricted to between 9:00 A.M. and 11:00 P.M., Monday through Saturday, and between 9:00 A.M. and 10:00 P.M. on Sunday. (City Council) (SUP 99-0105)
5. Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold. Alcohol service in the restaurant may be provided for on-premise consumption only. (PC) (SUP #98-0157)

6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP-97-0051)
7. 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 97-0051)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP 97-0051)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP 97-0051)
10. 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. (P&Z) (SUP 94-0341)
11. No music or amplified sound shall be audible at the property line. (P&Z) (SUP 94-0341)
12. The applicant shall provide a plan for the parking lot west of the building indicating at least eleven parking spaces and the dumpster location to the satisfaction of the Director of Planning and Zoning. The parking lot shall be striped, adequately signed and maintained in good condition at all times. (P&Z)(SUP 97-0069)
13. The applicant shall provide a screen enclosure and concrete pad for dumpsters at the northwest corner of the property to the satisfaction of the Director of Planning and Zoning. Dumpster or trash storage shall not occur on the East Howell frontage of the property. (P&Z)(SUP 97-0051)
14. The applicant shall provide, implement and maintain a landscape plan to the satisfaction of the Director of Planning and Zoning. The landscape plan shall be installed within six months of the issuance of the Certificate of Occupancy. (P&Z)(SUP 97-0051)
15. The applicant shall submit evidence on each anniversary of the special use permit

approval, such as a lease or renewal letter, for review by planning staff for additional off-street parking spaces needed to meet the parking requirement. (P&Z) (PC)(SUP 97-0051)

16. The applicant's employees shall park in the off-site parking spaces leased by the applicant after 5:00 P.M. (P&Z) (SUP 97-0051)
17. Condition deleted. (P&Z)(SUP 97-0069)
18. The Howell Street door shall not be used by patrons after 10:00 p.m. (P&Z) (SUP 94-0069) (PC)
19. A restaurant employee shall staff the back room when patrons are present. (City Council) (SUP #96-0192)
20. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police)(SUP 97-0051)
21. All exterior work shall be in compliance with the Mount Vernon Avenue Guidelines. (P&Z)(SUP 97-0051)
22. 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, (b) the director has received a request from any person to docket the permit for review, 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 99-0105)
23. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties as determined by the Department of Health. (Health)(SUP 97-0069)
24. The retail business shall not commence until the applicant has installed a legal sign and complied with all of the conditions listed above. (P&Z) (SUP #97-0190)
25. Live entertainment shall be limited to two non-amplified events per week between

the hours of 7:00 p.m. and 10:00 p.m. 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 #98-0157)

26. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in the outdoor seating area or the adjacent gourmet shop. (P&Z) (SUP #98-0157)
27. Condition deleted. (City Council) (SUP 99-0105)

operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

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. (P&Z)

DISCUSSION:

1. The applicant, Majestic Grill, Inc., trading as the Evening Star Cafe by Stephanie Babin, is before the Planning Commission for a review of the special use permit and a request to expand the existing restaurant to include a private dining room and wine bar, to increase the hours of the outdoor dining area, and for a reduction of off-street parking. The restaurant is located at 2000 Mount Vernon Avenue.
2. The subject property is part of one lot of record with 115.1 feet of frontage on Mt. Vernon Avenue, 113.4 feet of frontage on Howell Avenue and a lot area of approximately 13,052 square feet. The site is developed with three separate buildings. The larger building is a two story commercial building with two tenant spaces on the ground floor, now occupied by the restaurant and gourmet shop, and four rental units above. Two other detached buildings are located on the site. One building is occupied by a hair salon, and the other by a card and comic book shop. The site also contains a parking lot.
3. City Council has granted the following special use permits to the applicant for the subject property:

<u>Date</u> <u>Approved</u>	<u>SUP #</u>	<u>Use</u>
05/17/97	97-00 51	85 seat restaurant
06/14/97	97-00 69	outdoor seating
02/21/98	97-01 90	gourmet food and wine shop
01/23/99	98-01 57	add live entertainment to the existing restaurant and permit sales of wines in quantities below 0.5 liters and fortified wines in the gourmet shop

4. The applicant has filed this application to amend its special use permit to allow the conversion of an existing apartment located above the restaurant to a private dining room with a wine bar. In conjunction with this request, the applicant seeks a parking reduction. The applicant also requests permission

- to expand the hours of the outdoor dining area.
5. The applicant has submitted a preliminary plan that depicts the proposed private dining room and wine bar with a total of 26 seats (see attached plan). The applicant has advised that most parties will range in size between 20 and 25 persons, but the applicant requests permission for a maximum occupancy of 35 persons. The dining room will be located on the second floor of the building above the applicant's existing restaurant and will be accessed from a stairwell located in the lounge area of the restaurant. According to the plan, a kitchen, bar area with eight seats, and an assortment of sofas, chairs and tables will be provided.
  6. As explained by the applicant, private parties will be held in the room. The applicant characterizes the types of parties to be held to include rehearsal dinners, holiday office parties, wine tasting dinners, and other similar events. The applicant expects one or two parties weekly, with more occurring during the holidays. The applicant also proposes to operate a wine bar and will offer a new menu featuring small, appetizer-like dishes and wine by the glass. The applicant indicates that the wine bar will operate when the room is not used for parties. The applicant does not intend to provide entertainment for the new dining room.
  7. The applicant has advised staff that approximately four additional employees will be hired to staff the room who will operate the remainder of the restaurant when the room is not in use.
  8. Pursuant to Section 8-200(A)(8) of the zoning ordinance, the parking requirement for a restaurant is based on a ratio of one space for each four seats. The applicant proposes a maximum capacity of 35 persons which requires nine parking spaces. The applicant seeks a parking reduction to provide no additional parking spaces. Presently, eleven parking spaces are provided in a parking lot behind the building and the applicant leases an additional 13 spaces at the Re/Max lot located at 2100 Mount Vernon Avenue.
  9. The applicant states that the reduction is justified for the following reasons:
    - a) For the past two years, the applicant has provided 13

parking spaces located at the Re/Max building and indicates that it is rare for its customers to park in this lot.

- b) There is often parking available in the parking lot located behind the building and on Mount Vernon Avenue in front of the restaurant.
  - c) Many of its customers walk to the restaurant.
  - d) The restaurant is never fully occupied, and although most of its tables seat four people, most tables are occupied by parties of two or three people.
10. In addition to the expansion of the restaurant and the parking reduction, the applicant also seeks permission for later hours of operation of the outdoor dining area. Pursuant to Condition #4 of the special use permit, the hours of the outdoor dining area are limited to between 8:00 a.m. and 9:30 p.m. daily, and the dining area is required to be cleared of patrons by 9:30 p.m. and cleaned and washed before 10:00 p.m. The applicant seeks permission to operate this area until 10:30 p.m.
  11. The applicant asserts that during the summer months, its patrons tend to eat later, and that compliance with the existing condition requires them to stop seating patrons outdoors by 8:00 p.m. According to the applicant, this severely hampers its ability to use the outdoor dining area and frustrates its patrons who would like to dine outdoors. As justification for the longer hours, the applicant states that it does not play music outdoors, that the seating area is close to Mount Vernon Avenue, and that it believes any noise associated with the outdoor dining is undetectable to residents who live nearby the restaurant. In addition, the applicant states that it is able to clear the outdoor area of patrons and clean it in between five and ten minutes; it does not need the 30 minutes allotted under the existing permit condition.
  12. No other changes are proposed to the operation of the restaurant. No changes are proposed to the operation of the adjacent gourmet shop.
  13. Staff received a copy of a letter sent by neighbors of the restaurant to the applicant in April 1999 advising the applicant of their concerns regarding the use of the Howell Avenue door beyond 10:00 p.m., the use of the outdoor dining beyond 9:30

p.m., and amplified live entertainment which was audible beyond the property lines of the restaurant (see attached letter). Staff spoke with the applicant regarding these issues and reiterated that the applicant is required to comply with the permit conditions. As part of that discussion, the restaurant sought clarification as to the definition of amplification as used in Condition #25, regarding the live entertainment. Staff responded by letter (see attached).

14. Staff is also aware of one prior violation of the hours of the operation of the outdoor dining area which occurred in May 1998 when patrons were observed on the outdoor patio at 10:37 p.m. A citation was issued for this violation.
15. On August 19, 1999, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.
16. Zoning: The subject property is located in the CL/Commercial Low zone. Section 4-103(M) of the zoning ordinance allows a restaurant in the CL zone only with a special use permit.
17. Master Plan: The proposed use is consistent with the Potomac West chapter of the Master Plan which designates the property for commercial use.

#### STAFF ANALYSIS:

Staff has no objection to the continued operation of the Evening Star Cafe located at 2000 Mount Vernon Avenue but is concerned about the applicant's plans to extend the hours of operation of the outdoor dining and to request a parking reduction for its proposed expansion.

With regard to the applicant's request to extend the hours of outdoor seating, because of the proximity of the outdoor dining area to residences, and concerns expressed by at least some neighbors, staff believes that later hours of operation may create a nuisance for adjacent neighbors. In general, staff does not support longer hours

for outdoor dining in cases where a restaurant is located immediately adjacent to residential neighborhoods. Last month, the Planning Commission agreed with staff and denied the request made by the operator of the Thai Peppers restaurant located at the northern end of the same block (2018 Mount Vernon Avenue) to increase the hours of outdoor dining from 9:30 p.m. daily to 10:30 p.m. (SUP #99-0074). For these reasons, staff does not recommend approval of the applicant's request to extend the hours of operation for the outdoor dining area.

With regard to the proposed private room, staff notes that the proposed expansion will enable the restaurant to regularly use the room for private functions and for the operation of the wine bar.

In addition, staff notes that the applicant does not intend to provide any additional off-street parking for users of this room, and seeks a parking reduction. Given the limited nature of the existing on-site parking, staff is concerned about the addition of any new seats, regardless of the proposed location of the seats within the restaurant. While the technical requirement for the new seats is nine parking spaces, staff believes that as a practical matter, at least that many, if not more, cars will typically be driven by the patrons who will attend private parties or the wine bar.

Staff notes that while there is often some parking available along Mt. Vernon Avenue in the evenings, as the Evening Star becomes more successful and expands, it will likely place an increasing demand for parking on adjacent residential streets. The applicant acknowledges that the 13 spaces it leases at Re/Max a block away are little used. Many customers will not be aware that they can use those spaces and others will prefer to park on neighborhood streets. Staff believes that these spaces will be of use only to employees who are required to park there after 5:00 P.M.

Staff believes that the City should work with new and expanding establishments like Evening Star to help them to grow. Where parking is not available on-site, as at Ann MeMe, the City has granted parking reductions without which the firm could not open. Where parking could be available on-site, as in the present case, staff believes that the property owner should make a greater effort to provide for the parking demand created by his/her tenants. The existing property contains one large, older building and two smaller and more marginal buildings located on the lot in a way as to prevent maximum development of the site with off-street parking. Staff would like to encourage the property owner to consider redeveloping the two smaller buildings or at least to move the smallest building in order to eliminate a

redundant driveway to Mt. Vernon Avenue and to create needed off-street parking. Staff is convinced that the property owner and the neighborhood will benefit from the upgrade of his/her property.

Staff is strongly supportive of The Evening Star and believes that energetic establishments of this kind should be encouraged and nurtured along Mt. Vernon Avenue but recommends putting pressure on the property owner to deal with some of the costs the expanded restaurant imposes on the neighborhood. Staff, therefore, recommends that the expansion of the restaurant be limited to three years, by which time additional on-site parking should be provided.

This should give the property owner ample time to provide additional parking spaces on-site.

Staff recommends approval of the proposed expansion of the restaurant and the parking reduction but recommends denial of the later hours of operation for the outdoor dining area.

STAFF: Sheldon Lynn, Director, Department of Planning and Zoning;  
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan for the combined space showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC ^[313.0.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

- C-7 the following code requirements apply where food preparation results in the development of grease laden vapors:
- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
  - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as Evening Star Cafe' under permit #01-0033, issued to Evening Star Cafe'.
- C-3 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-5 Permits and/or approval must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms serving the restaurant are to meet Alexandria City Code, Title 11, Chapter 2, requirements.

Police Department:

F-1 No objections to the requested changes.