

DATE: June 13, 2011

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0031
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Jose Dominquez & Oscar Bermudez
Location: 1310 Mt. Vernon Avenue
Zone: CL / Commercial Low

Request

Special Use Permit #2011-0031 is a minor amendment request to add delivery service at the applicant's existing restaurant and to fully enclose an existing outdoor dining area with a canopy and soft-sided, fold-down walls on three sides. To maintain the existing parking requirement here despite the addition of a delivery vehicle, the applicant proposes to reduce the number of indoor seats at the restaurant by four. No other changes to the operation are proposed and the applicant will continue serving primarily Italian food under the trade name Sapore d'Italia.

Background

In November 2008, City Council granted SUP#2008-0059 to the applicant for the operation of the restaurant with a parking reduction. Approval included unenclosed outdoor seating but delivery service was not a part of the original proposal. The business started operation in August 2009.

In late December 2010, the Office of Code Administration received a complaint that the applicant had erected a small canopy over the entrance to the restaurant without building permit approval. A notice of violation was issued to the applicant. The applicant removed the structure in January 2011.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. One additional off-street parking space is required for each delivery vehicle operating from the restaurant. The applicant proposes to reduce the number of seats at the restaurant from 44 down to 40 and add one delivery vehicle, resulting in the same parking requirement (11 spaces) in effect for the prior SUP approval. The applicant will partially satisfy this requirement by continuing to provide four parking spaces behind the building, one of which will be used by the new delivery vehicle. The seven-space parking reduction approved as part of SUP#2008-0059 will

remain in effect to address the balance of the parking requirement.

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 was sent an e-mail with information about the current application. The Del Ray Land Use Committee submitted comments objecting to the complete enclosure of the outdoor dining area, believing that, if approved, the enclosure would completely obscure the outdoor dining area from the street, thus removing the vitality and pedestrian interest that outdoor dining provides along Mount Vernon Avenue.

Staff Action

Staff does not object the addition of one delivery vehicle on the site. The request meets the eligibility requirements for a minor amendment pursuant to Section 11-511(2)(b)(ii) of the Zoning Ordinance, which allows changes no greater than what is allowed under the standards of administrative approval for the same use found in Section 11-513. In this case, the restaurant has at least 40 seats and is proposing only one delivery vehicle (Section 11-513(L)(7)).

No parking impacts are expected given that the reduction of four indoor seats at the restaurant will keep the parking requirement the same. In addition to standard condition language prohibiting the delivery vehicle from parking on-street when in the vicinity of the restaurant, staff has also included language in Condition #33 to require the applicant to reserve one parking space specifically for the delivery vehicle. Given that parking spaces in the rear lot are shared by all tenants in the building but not currently designated for individual businesses, some potential exists for delivery drivers attempting to park on-street if the rear parking lot is full.

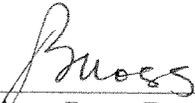
Staff does not support the full enclosure of the outdoor dining area, which is entirely on private property, with soft-sided, flip-down walls. The overall appearance of the proposed enclosure, which would be made of primarily plastic and/or vinyl, is objectionable for aesthetic reasons. Installation of this full enclosure will also either totally block or significantly obscure views into the outdoor dining area from the street. Staff believes, as the Del Ray Land Use Committee has also pointed out, that a full enclosure therefore would prevent the outdoor dining from working to achieve the active, pedestrian-oriented streetscape envisioned for this area and contemplated in the original SUP approval.

In lieu of the full outdoor dining enclosure, the applicant has agreed to install an alternate outdoor dining canopy that will be open on all sides. Staff does not consider such an open-sided canopy to represent a change or intensification requiring minor amendment approval and therefore is not technically including it under this minor amendment request. It will be approved separately, as an administrative matter, pursuant to existing Condition #7 regarding the design of the outdoor dining area.

Staff hereby approves the minor amendment request for the addition of one delivery vehicle at the existing restaurant.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: June 13, 2011
Action: Approved



Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2011-0031

The applicant 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#2008-0059)
2. The hours of operation of the restaurant shall be limited to between 11:00AM and 11:00PM, seven days/week. (P&Z) (SUP#2008-0059)
3. **CONDITION AMENDED BY STAFF:** The total number of seats at the restaurant shall not exceed ~~44~~ 40. (P&Z) (~~SUP#2008-0059~~)
4. A maximum of 16 seats may be located at outdoor tables in front of the restaurant. (P&Z) (SUP#2008-0059)
5. **CONDITION AMENDED BY STAFF:** 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) (T&ES) (~~SUP#2008-0059~~)
6. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2008-0059)
7. A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, and other components to be located within the area, and such additional information as the Director may reasonably require. (P&Z) (SUP#2008-0059)
8. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z) (SUP#2008-0059)
9. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2008-0059)
10. No off-premises alcohol sales shall be allowed. (P&Z) (SUP#2008-0059)
11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2008-0059)
12. Live entertainment shall not be provided either inside the restaurant or within the outdoor dining area. (P&Z) (SUP#2008-0059)
13. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited

from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z)(T&ES) (SUP#2008-0059)

14. Food or drink items ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z)
15. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~The applicant shall enlarge the existing parking lot located behind the building: a) consistent with the parking lot/landscaping concept plan presented to City Council on November 15, 2008; b) subject to final approval of the Directors of Planning & Zoning, Transportation & Environmental Services, Code Administration, and Recreation, Parks & Cultural Activities and c) prior to the opening of the restaurant. Additional lighting in the parking lot and around the building shall be directed downward. The property owner shall indemnify the owner of the existing fence located between the subject property and 304 E. Luray Ave. against any damage associated with the use of the parking lot at the subject property. Shrubbery located on the subject property between the existing fence and E. Luray Avenue that is removed to enlarge the parking lot shall be replaced to the satisfaction of the Director of Planning & Zoning within one month following the completion of the parking lot enlargement. (P&Z)(PC)(City Council) (SUP#2008-0059)~~
16. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2008-0059)
17. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)(T&ES) (SUP#2008-0059)
18. 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#2008-0059)
19. Garbage generated by the restaurant shall be removed from the premises at least three times per week. (P&Z) (SUP#2008-0059)
20. 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. If garbage is stored outside in closed containers, said containers must be located within a fenced or screened area on the property or inside the existing shed on the property. (P&Z) (SUP#2008-0059)

21. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2008-0059)~~
22. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2008-0059)
23. **CONDITION DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP#2008-0059)~~
24. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2008-0059)
25. 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#2008-0059)
26. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0059)
27. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2008-0059)
28. Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed. (Parks) (SUP#2008-0059)
29. **CONDITION DELETED BY STAFF:** ~~The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1008 Jefferson St. within 60 days of City Council approval. (Parks) (SUP#2008-0059)~~

30. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police) (SUP#2008-0059)
31. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~after it has been operational for six months and again once it has been operational for one year~~ after approval and at either time 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)(Police) (SUP#2008-0059)
32. The applicants shall post a sign inside the restaurant, visible from outside the restaurant, informing patrons of the availability of parking spaces in the parking lot behind the building. Advertising for the restaurant shall mention the availability of parking behind the building. (PC) (SUP#2008-0059)
33. **CONDITION ADDED BY STAFF:** Food delivery service to customers shall be limited to a maximum of one vehicle, which shall park in a designated space in the parking lot behind the building at all times when it is located in proximity to the restaurant. The applicant shall install signage indicating the space in the rear parking lot that is reserved for the delivery vehicle. Delivery on-foot or by bicycle is permitted. (P&Z)