

DATE: January 19, 2011

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

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0081  
Administrative Special Use Permit  
Site Use: Restaurant  
Applicant: Janow, LLC  
Location: 205 East Howell Avenue  
Zone: CL / Commercial Low

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**Request**

Special Use Permit #2010-0081 is a request to operate a new restaurant at 205 East Howell Avenue, near Mount Vernon Avenue in Del Ray. The applicant proposes to operate a 60-seat restaurant, including up to 12 outdoor dining seats, that will serve French-inspired, organic and locally-sourced cuisine to dine-in, carry-out, and delivery customers. Delivery service will be offered only by foot or using bicycles or scooters.

The hours of operation are proposed to be from 7:00am to 11:00pm Sunday-Thursday and 7:00am to 12:00 midnight Friday and Saturday. Although live music is not expected to be a regular occurrence at the restaurant, small groups of musicians or strolling performers may be present occasionally. On-premises alcohol is proposed and, while a small bar area is located on the applicant's plans for the restaurant, the bar area is expected to be used primarily as a breakfast area.

The applicant also proposes to improve and configure the existing parking lot behind the building, which is currently unstriped, to accommodate 15 parking spaces. The improvements to the parking lot include new green spaces, most of which will landscaped, and new fencing to screen the parking lot and driveway areas from adjacent residential uses.

**Site**

Although the building is two buildings away from Mount Vernon Avenue, it is zoned CL and has been used for commercial purposes for decades. The recent long-term use on the site was a framing shop.

**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. Staff has received objections from the Del Ray

Citizens' Association Land Use Committee and from a few neighbors regarding the proposal. The main issues raised in these objections are parking and the proposal's appropriateness for administrative review given the unique situation of the property being not on Mount Vernon Avenue but on an intersecting residential street. Based on these objections, the Director of Planning & Zoning made the initial decision to require this case to be docketed for public hearing.

Staff met with the applicant, affected neighbors and the DRCA Land Use Committee to discuss the proposal at one of the Committee's regular meetings on December 9, 2010. The Committee is now satisfied that its concerns have been addressed. The applicant and the Committee contacted each neighbor and discussed the proposal and their concerns. The Land Use Committee submitted a second letter, attached to this report, confirming that its concerns have been addressed and stating that it no longer believes the case needs to be brought forward to public hearing. Members have also represented to staff that each of the immediate neighbor's concerns have been addressed by the applicant.

### **Parking**

According to Section 8-200(A)(8) of the Zoning Ordinance, one parking space is required for each four restaurant seats. A restaurant with 60 seats requires 15 off-street parking spaces. The applicant satisfies this requirement by providing 15 off-street spaces located in the parking lot to the rear of the building.

### **Staff Action**

Staff supports the applicant's request to operate a new restaurant in this location. Obviously, restaurants located in Del Ray on residential streets and not on Mount Vernon Avenue have a high potential for creating impacts on the immediate neighborhood. Initially staff believed this site was problematic, since it is located two buildings away from Mount Vernon Avenue and is surrounded by residential uses on three sides. Staff thought at the very least that a public hearing was appropriate. The community also objected initially, at least to the approval of the case through the administrative process. The Director of Planning and Zoning therefore temporarily moved the case from administrative review to the Planning Commission docket for a review with full public hearings. However, staff has concluded that specific elements of this proposal, together with the inclusion of standard and special conditions, mitigate potential neighborhood impacts and present unique justification for the approval of a restaurant on this particular site in Del Ray. Moreover, the neighborhood, which is the potential recipient of any impacts or problems with the restaurant, supports the use at this location.

Certain existing conditions of the site help to reduce the potential for impacts on the neighborhood. The existing building is located at a greater distance, approximately 26 feet from the eastern property line and 57 feet from the southern property line, than typically seen on sites on other streets close to and intersecting Mount Vernon Avenue. This distance will help reduce the potential for impacts such as noises and odors on adjacent properties. The applicants have also configured the existing parking lot on the site to include all of the required parking spaces, which is rarely feasible on other relatively small Del Ray lots. Furthermore, access to the parking lot will be provided

using two existing driveways on either side of the site, which will help to reduce the nuisance of vehicle headlights from shining into nearby residences.

The applicant has stressed neighborhood-friendly elements of the restaurant proposal in its revised application. The restaurant is expected to offer a family-oriented atmosphere without typical bar service or regular live entertainment, which should lessen the possibility that customers leaving the business will be rowdy or disruptive. According to the applicant, the elements of the restaurant likely to create the most noise, such as the kitchen, air conditioning units and venting equipment, will be located to the western side of the property closest to Mount Vernon Avenue and away from adjacent residences. Although the applicant may offer outdoor dining, it will be located on the second floor balcony near the western property line, and not in front of the building.

Staff has also included several standard and unique conditions as a part of its approval to ensure that either the site or the restaurant operations do not change significantly from what is currently proposed without further review and approval. For example, staff has limited the location of outdoor dining to the second-floor terrace only (Condition #2). Condition language also prohibits any future interior changes that would create a typical restaurant bar (Condition #7) to ensure that the restaurant does not become a destination for entertainment or alcohol consumption. Staff has included condition language (Condition #8) stipulating that changes to the exterior of the building, including signage, require additional approval from the Director of Planning & Zoning to ensure a building design and signage that is appropriate for a street that is mainly residential in character.

Staff has closely reviewed the design of the proposed parking lot with the applicant's architect. The neighborhood was also interested and involved in the parking lot design. In addition to requiring that traffic flow through the parking lot be one-way only as noted in Condition #17, staff is also requiring the posting of small directional signs and arrows to inform customers of the restriction. The applicant has also agreed to changes to the existing parking lot proposal, switching the location of compact spaces in order to add screening for the residential neighbor to the south and screening the parking lot with landscaping and fencing along the eastern and southern property lines (Condition #16).

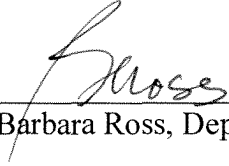
The proposed closing hours for indoor seats are consistent with the Administrative SUP standards and similar to other restaurants in the Del Ray. However, staff has limited the hours of operation for the outdoor dining to 10:00pm each night out of concern for neighborhood impacts (Condition #5). For the same reason, live entertainment must remain limited and must cease by 9:00pm on weeknights and 10:00pm on weekend nights (Condition #10) and is not permitted as part of the outdoor dining area.

Despite its initial concerns and those of the community, staff concludes that the restaurant proposal is uniquely appropriate in this location and consistent with the Zoning Ordinance standards for Administrative SUP approval (Section 11-513). Staff hereby approves the Special Use Permit request.

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

Date: January 24, 2011

Action: Approved

  
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Barbara Ross, Deputy Director

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

**CONDITIONS OF SPECIAL USE PERMIT #2010-0081**

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)
2. The maximum total number of seats at the restaurant shall be 60. No more than 12 of these 60 seats may be outdoor seats. Outdoor seats may only be located on the new terrace to be built over the driveway on the western side of the property. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The hours of operation for indoor seats at the restaurant shall be limited to between 7:00am and 11:00pm, Sunday-Thursday and between 7:00am and 12:00 midnight Friday and Saturday. (P&Z)
5. The hours of operation for outdoor seats shall be limited to between 7:00am and 10:00pm daily. The outdoor dining area shall be closed and cleared of all customers by 10:00pm daily. (P&Z)
6. The applicant shall submit designs for the outdoor dining area for the review and approval of the Director of Planning & Zoning. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
7. Any future changes to the size of the proposed bar area shall require the review and approval of the Director of Planning & Zoning. (P&Z)
8. The applicant shall submit plans for all exterior alterations to the building and final specifications for the design and size of all signage at the site for the review and approval of the Director of Planning & Zoning. (P&Z)
9. The restaurant shall offer full service, including printed menus, wait service provided at tables and preset tables with non-disposable silverware. (P&Z)
10. On-premises alcohol service, consistent with a valid ABC license, may be permitted but off-premises alcohol sales shall be prohibited. (P&Z)
11. Limited live entertainment may be offered at the restaurant, typically in the form of only a few musicians, playing background music for restaurant customers. No live entertainment shall be permitted outside or in any outdoor dining area. Live entertainment shall cease no later than 9:30pm Sunday-Thursday nights and no later than 10:00pm on Friday and Saturday nights. No admission or cover fee

- shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
12. Delivery service may be offered from the restaurant using pedestrian, bicycle, or scooter transportation only. No delivery of alcoholic beverages is permitted. (P&Z) (T&ES)
  13. For indoor patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)
  14. 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)
  15. No food, beverages, or other material shall be stored outside. (P&Z)
  16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
  17. Customer traffic on the driveways and in the parking lot shall be limited to one-way movement through the site, with traffic entering at the easternmost driveway and exiting at the westernmost driveway. To inform drivers of the one-way traffic restrictions, the applicant shall install small one-way directional signs adjacent to the driveway entrance and exit and painted arrows on the driveway and parking lot areas to the satisfaction of the Director of Planning and Zoning. (P&Z)
  18. The applicant shall submit a final parking lot plan for the review and approval of the Director of Planning & Zoning that includes the following minimum elements:
    - a) Compact parking spaces may not exceed 75% of the total number of spaces in the lot.
    - b) One-way directional signs and directional arrows as required in Condition #17.
    - c) Fencing and landscaping along the eastern and southern property lines to screen the parking lot from adjacent residences.
    - d) A strip of green space between the edge of the easternmost driveway and the required fencing and landscaping.

- e) A strip of green space located along the eastern portion of the southern property line to buffer the parking lot from adjacent residences and to provide room for required landscaping. (P&Z)
19. Supply deliveries, loading, and unloading activities shall occur only in the rear parking lot. No delivery trucks shall be parked on East Howell Avenue, and all loading and unloading activities shall be prohibited from the public right-of-way. (P&Z) (T&ES)
  20. The applicant shall direct all vendors, including supply delivery trucks and maintenance vehicles, not to use residential side streets when traveling to the restaurant and that they may only access East Howell Avenue directly from Mount Vernon Avenue. (P&Z)
  21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 9:00 pm and 7:00 am. (P&Z) (T&ES)
  22. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
  23. 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)
  24. 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)
  25. 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)
  26. The applicant shall require its employees who drive to use off-street parking. (T&ES)
  27. The applicant shall encourage its employees and customers 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. (T&ES)
  28. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (Police)

29. The applicant shall provide a menu or list of foods and equipment to be handled at this facility to the Health Department prior to opening. (Health)
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)



# Del Ray Citizens Association

Established 1954  
delraycitizens@yahoo.com

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<http://www.delraycitizen.org>

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December 13, 2010

Barbara Ross, Deputy Director, Department of Planning and Zoning  
City Hall, Room 2100  
Alexandria, VA 22314

Subject: ASUP # 2010-0081  
Cafe Del Ray at 205 East Howell Avenue

Dear Ms. Ross,

At our regular meeting on December 9, 2010, the Land Use committee voted to support the application as presented to us in order to renovate/remodel a historic building with unique proximity to residences into a 60 seat restaurant with 15 on-site parking spaces; improve the existing surface parking lot to create areas for planting buffers and screening, increase permeable open space adjacent to residences; and to locate and screen various aspects of the commercial activity so as not to be a ongoing nuisance to the adjoining residential neighbors.

Twenty-two notices of the meeting were distributed to residential and business neighbors in the 200 blk of East Howell, 200 blk of East Bellefonte, 1800 blk and 1900 blk of Mt. Vernon Avenue. At our meeting the committee received comment from eight neighbors; of these only two neighbors about the subject site. After the LUC presentation, neighbors testified to problems and disturbances they experience caused by existing neighborhood restaurants such as late night noise, disorderly/drunken conduct, and difficulties parking near their homes after 6:00 PM. After discussions with Ms. Margaret Janowsky, applicant, and architect Mr. Bob Larson, the neighbors were assured. When asked, neighbors expressed their willingness to support the ASUP application process provided that no opposition was expressed by the resident of 207 East Howell.

A subsequent meeting, arranged for and attended by Land Use committee member Amy Slack, was held in the offices of Larson Koenig, LLC on Sunday, December 12, 2010. The residential neighbors most affected (207 East Howell, 204A East Bellefonte, 204B East Bellefonte and 204 East Howell) met with the applicants Mr. Laurent and Ms. Margaret Janowsky, and received a presentation from Mr. Bob Larson, architect. The applicants reassured the neighbors of how the impact from their operation would not replicate the adverse impact of other nearby restaurants. With these assurances and other considerations, when asked the neighbors expressed support for using the ASUP process for approval provided there is sufficient screening of vehicular headlights and initial efforts to reduce storm water runoff onto their property.

Thank you for your assistance in this matter.

Sincerely,

Sarah Haut  
Co-Chair, Land Use Committee

cc: Nathan Randall

*Celebrating 100 years of the Town of Potomac  
1908 - 2008*