

Docket Item #3
SPECIAL USE PERMIT #2003-0100

Planning Commission Meeting
December 2, 2003

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Abey Kassa

LOCATION: 50 South Pickett Street #23

ZONE: CG/Commercial General

STAFF RECOMMENDATION:

Staff recommends **approval** 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)
2. Seating shall be provided for no more than 24 patrons. (P&Z)
3. Outside dining facilities shall be permitted, subject to the approval of the Director of Planning and Zoning. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. Deliveries shall occur during the mornings only and shall be limited to the loading spaces for the center, which are located in the lower parking area, on the north side of the building. (P&Z)
8. The applicant shall require its employees to park in the parking areas to the north and east of the building during daylight hours to the extent spaces are available. (P&Z)
9. Alcoholic beverage sales are not permitted. (P&Z)
10. No food, beverages, or other material shall be stored outside. (P&Z)
11. Delivery of food and beverages shall be limited to and based solely on occasional requests from businesses in close proximity during lunchtime. No vehicles shall be permitted in conjunction with the business and no delivery menus shall be printed or distributed. (P&Z)
12. 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)

13. 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)
14. The applicant shall install at least one trash container within the restaurant for patrons' use. (P&Z)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
17. 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 Transportation and Environmental Services. (T&ES)
18. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to opening for business. (Police)
19. Meals ordered before the closing hour may be served, 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)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)
21. 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 as a result of a complaint that rises to the level of a violation, 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)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or 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.

DISCUSSION:

1. The applicant, Abey Kassa, requests special use permit approval for the operation of the restaurant 'Four Seasons Bakery Café' in unit #22 within the Pickett Center development located at 50 South Pickett Street.
2. The subject property is part of one lot of record with an irregular shape having 300.9 feet of frontage on South Pickett Street, 30 feet of frontage on Duke Street, 302.2 feet of depth and a total lot area of 2.47 acres. The site is developed with a three story building and a total of 218 parking spaces. The building is occupied primarily by office, retail and medical office uses. The tenant space that is the subject of this application is currently vacant but was occupied until recently by the BAWAD corporation, a medical laboratory.
3. The applicant proposes to operate a 672 square foot restaurant and carry-out with 24 seats. No outside seating is proposed. The menu will consist of sandwiches, soups and pastries, coffee, soda and similar drinks. No alcoholic beverages will be offered.
4. The proposed hours of operation are 7:00 a.m. to 9:00 p.m. daily.
5. The restaurant will be operated by two full-time and two part-time employees for a total of four employees. The applicant estimates that it will serve approximately 200 patrons daily during the week and between 80 and 100 customers on the weekends. The applicant proposes to occasionally deliver food and beverages to businesses in the close proximity during lunchtime and by foot only. No vehicles will be operated for delivery purposes and no delivery menus will be printed or distributed.
6. Used cups, napkins, boxes and left overs will constitute the majority of trash generated by the restaurant. Trash will be collected six days a week, Monday through Saturday.

7. Section 8-200(A) of the Zoning Ordinance requires a restaurant to provide one parking space for each four seats. Four parking spaces were required by the medical laboratory that previously occupied the space. With 24 proposed seats the applicant increases the previously required parking spaces by two for a total of six spaces. Staff conducted an analysis of the off-street parking distribution for the Pickett Center. The results read as follows:

Use	Ratio	Total Sq. Ft. / # of Seats	Required Off- Street Parking
Retail	1.2 / 320 sq.ft. lower level	11,028	29
	1.2 / 220 sq.ft. ground level	6,800	26
	1.2 / 300 sq.ft. upper level	375	1
Office	1 / 475 sq.ft.	24,963	53
Personal Services	1 / 400 sq.ft.	7,800	20
Medical	1 / 200 sq.ft.	15,326	77
Restaurant	1/ 4 seats	40 (16 + 24 for <i>proposed use</i>)	10
Total Off-Street Parking Required			216
Total Off-Street Parking Provided			218

According to the parking calculations, adequate parking is provided to meet the requirements for the proposed restaurant use, as well as for all other uses within the Pickett Center.

8. Zoning: The subject property is located in the CG/Commercial General zone. Section 4-403(Y) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit.
9. Master Plan: The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the small restaurant proposed to be located at 50 South Pickett Street within the Pickett Center. Staff believes that the restaurant will complement the existing office and commercial uses at the center.

Staff believes that the applicant's proposal for occasional walking deliveries to surrounding businesses, predominantly to the dealerships, is reasonable. However, staff would be concerned if the applicant anticipated more frequent deliveries that would require the operation of a vehicle and therefore reduce the number of available customer parking spaces for the center. Therefore, staff has included a condition restricting the service to occasional deliveries at lunch time that do not involve the operation of a vehicle.

Staff notes that the technical parking requirement is met. However, in order to reduce the likelihood of the applicant's customers (and other tenants' customers) competing with its employees for parking spaces near the entrance to the restaurant, staff has included language requiring the applicant to require its employees to park in the parking areas to the north and east of the building during daylight hours to the extent spaces are available. Staff has recommended a similar condition for restaurants and other uses in the Bradlee and Hechinger Commons shopping centers.

Staff has included a condition requiring a review of the restaurant after it has been operational for one year so that if there are problems with its operation, new or additional conditions may be added. With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Bettina Irps, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

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 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.
- C-8 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

An Alexandria Health Department Permit is required for all regulated facilities.

- C-1 Five sets of plans are to be submitted to and approved by this department prior to construction. 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-2 Permits must be obtained prior to operation.
- C-3 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-4 Certified Food Managers must be on duty during hours of operation.

- C-5 Provide a menu or list of foods to be handled at this facility to Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-3 The applicant is not applying for an A.B.C. permit. The Police Department concurs with this.