

Docket Item #11  
SPECIAL USE PERMIT #2004-0016

Planning Commission Meeting  
May 4, 2004

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

**APPLICANT:** Food Matters  
by Victoria Herbert, J. Gerald Herbert,  
Christy Velie and Tom Przystawik

**LOCATION:** 191 Somerville Street

**ZONE:** CDD-9/Coordinated Development District

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.

## I. DISCUSSION

### REQUEST

The applicants, Victoria and J. Gerald Herbert, Christy Velie and Tom Przystawik, request a special use permit to operate a restaurant located at 191 Somerville Street.

### SITE DESCRIPTION

The subject property is part of one L-shaped lot of record with approximately 210 feet of frontage on Somerville Street and approximately 454 feet of frontage on Brenman Park Drive. As part of Phase III of Cameron Station, the site is currently being developed with one four story building planned for ground floor retail and personal service space and three floors of residential space. The subject business will occupy 5,000 square feet on the northwest corner of Brenman Park Drive and Somerville Street. Phase I of Cameron Station is located on the north side of Brenman Park Drive and is developed with commercial space on the first floor, including a day spa, dry cleaner, dentist office, market and a pets retail store, and residential above.

### PROJECT DESCRIPTION

The applicant proposes to operate a restaurant known as “Food Matters” with 88 seats, including 24 seasonal outdoor seats, seven wine bar seats and 20 seats within a partially enclosed formal dining room. The attached plans show the number and distribution of chairs during the winter and summer months. The applicant intends to cook and prepare foods on-site and to offer them to individual customers for take out and/or eat in. There will be no wait service for the majority of seats, however, in addition to the cafeteria-style operation, the restaurant will provide a variety of service and retail components to include (1) cooking classes, (2) wine tasting seminars, (3) private dinners with table service for up to 20 people in the formal dining room, (4) the sale of wine, cheese and gourmet food, and (5) deliveries within Cameron Station to be done with a golf cart that is parked in the applicant’s private garage parking space.

The applicant proposes to offer beer, wine and mixed beverages for on-premise indoor consumption, and beer and wine for off-premise consumption. In addition, the applicant seeks permission to provide entertainment in form of small musical ensembles or soloists a few times per month. The ensemble will not use speakers and the entrance door will be closed at all times.

Hours of Operation: The restaurant is proposed to be open from 6:00 A.M. to 12:00 midnight Tuesday through Sunday. The applicant’s intention for the late closing hour is to allow a complete formal dinner for private parties. Such dinners will occur a few times a week in the formal dining room.

Employees/patrons: The business will be operated by the applicants, four full-time and three to five part-time employees. Between 100 and 150 patrons are

anticipated to patronize the business daily, with an additional 20 patrons per day when cooking classes, wine tasting, or formal dinners are held three to five times per week.

Trash: Trash will be picked up twice a week by a private contractor. Littering will be monitored by the business management. The applicant will also provide one outdoor trash can as permitted and required by the City of Alexandria.

Loading: Loading is anticipated to occur three to five times per week in the morning after 7:00 A.M. and in the early afternoon. The loading area is located at the rear of the building.

#### PARKING

The technical parking requirement for a restaurant is one space for every four seats. In this case, the restaurant is proposing a maximum of 88 seats, including 24 seasonal outdoor seats, which requires 22 spaces.

The number of parking spaces for the commercial space within Phase I and III of Cameron Station was determined at the approval of each phase and calculated in accordance with the Zoning Ordinance through two ratios: (1) the parking ratio assumed for the retail space is 1.2 spaces for every 210 square feet of floor area, and (2) the parking ratio assumed for the personal service space is 1 spaces for every 400 square feet of floor area. Based on the floor area proposed to be dedicated to these uses, a total of 41 parking spaces has been provided for the commercial spaces within Phase I and a total of 47 parking spaces has been provided for the commercial spaces within Phase III, all consistent with those zoning ordinance ratios. Brenman Park Drive has been designed to accommodate short term public parking on both sides of the street and around the large median.

In an effort to distribute the dedicated parking spaces evenly among uses that were not included in the initial parking calculation for 'retail' or 'personal services', such as restaurants and professional offices, and in order to maintain sufficient parking for a variety of future uses, staff conducted a parking analysis and found that the size of the tenant space and the equal application of both retail and personal services ratio are reasonable approaches for the calculation and allocation of parking spaces. In this case, the applicant is occupying 5,000 square feet, which, if halved for purposes of allocating spaces from the amount provided, would require seven parking spaces for a personal services use ( $2,500 \text{ sf.} / 400 = 7$ ) and 15 spaces for a retail use ( $2,500 \text{ sf.} / 210 \times 1.2 = 15$ ). The number of spaces required for the restaurant (22) equals the number of spaces required by the retail and personal services parking ratio (22). Therefore, staff deems that sufficient parking is provided in accordance with both the Zoning Ordinance and the Cameron Station development plan.

ZONING / MASTER PLAN

The subject property is located in the CDD-9/Coordinated Development District zone which permits residential, retail, open space and public school uses. The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for CDD-9 uses.

**II. STAFF ANALYSIS**

Staff supports the concept of the proposed restaurant at 191 Somerville Street. The applicant is proposing a unique type of neighborhood and community serving use envisioned for the retail spaces in Cameron Station. In addition to the Cameron Station residents who will most likely visit the restaurant either on foot or on bicycle, this restaurant will also attract other city residents who utilize the recreational and parking facilities in Ben Brenman Park and who will be within walking distance of the restaurant. The proposed outdoor seating will enliven the streetscape during summer months and provide the community with an enjoyable view of Brenman Park.

Staff has concern about the late closing hour for the outdoor seating, which might disturb the residential neighbors, and recommends a condition that limits the outdoor seating to no later than 11:00 P.M.. Although the applicant has not requested to be open Mondays, staff recommends allowing the operation on Mondays to provide flexibility for the restaurant's operation.

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

**III. RECOMMENDED CONDITIONS**

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 88 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean and wash the seating area at the close of each day of operation. (P&Z)

4. Indoor live entertainment shall be permitted in form of small musical ensembles to the extent that no amplified sound is audible outside the restaurant. 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)
5. Alcohol is permitted for on-premise indoor consumption. Consumption of alcoholic beverages in the outdoor seating area is not permitted. Off-premise alcohol sales shall be limited to the following: 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 only in bottles of at least 750 ml or 25.4 ounces with a minimum cost of \$7.00 per bottle or six pack. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (Police)
6. The closing hours for indoor seating shall be 12:00 midnight daily, the closing hours for the outdoor seating shall be 10:00 P.M. daily. (P&Z)
7. 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)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
11. Applicant shall obtain, at its expense, one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way. Contact T&ES Engineering Division (703/838-4318) for information. (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. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (P&Z)
17. 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 and a robbery awareness program for all employees. (Police)
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 to provide instruction preventing underage sales of alcohol. (P&Z)
19. The applicant shall require their employees who drive to work to use off-street parking. (P&Z)
20. 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)
21. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

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

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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.

#### IV. 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 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. Five 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 The current use is classified as M - Mercantile; the proposed use is A - Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy and compliance with USBC including but not limited to: limitations of exit travel distance, emergency and exit lighting, a fire alarm system, and accessibility for persons with disabilities.



- C-5 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-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 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-9 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 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 review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the 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.
- 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.
- R-3 Recommend “ABC On” license only. If “ABC Off” is approved we recommend the following conditions:
1. 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 only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
  2. That the SUP is reviewed after one year.