

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #7
SPECIAL USE PERMIT #2008-0035

Planning Commission Meeting
June 3, 2008

ISSUE: Consideration of a request to amend a special use permit to increase the hours of operation, allow outdoor dining and amend the schedule for trash collection.

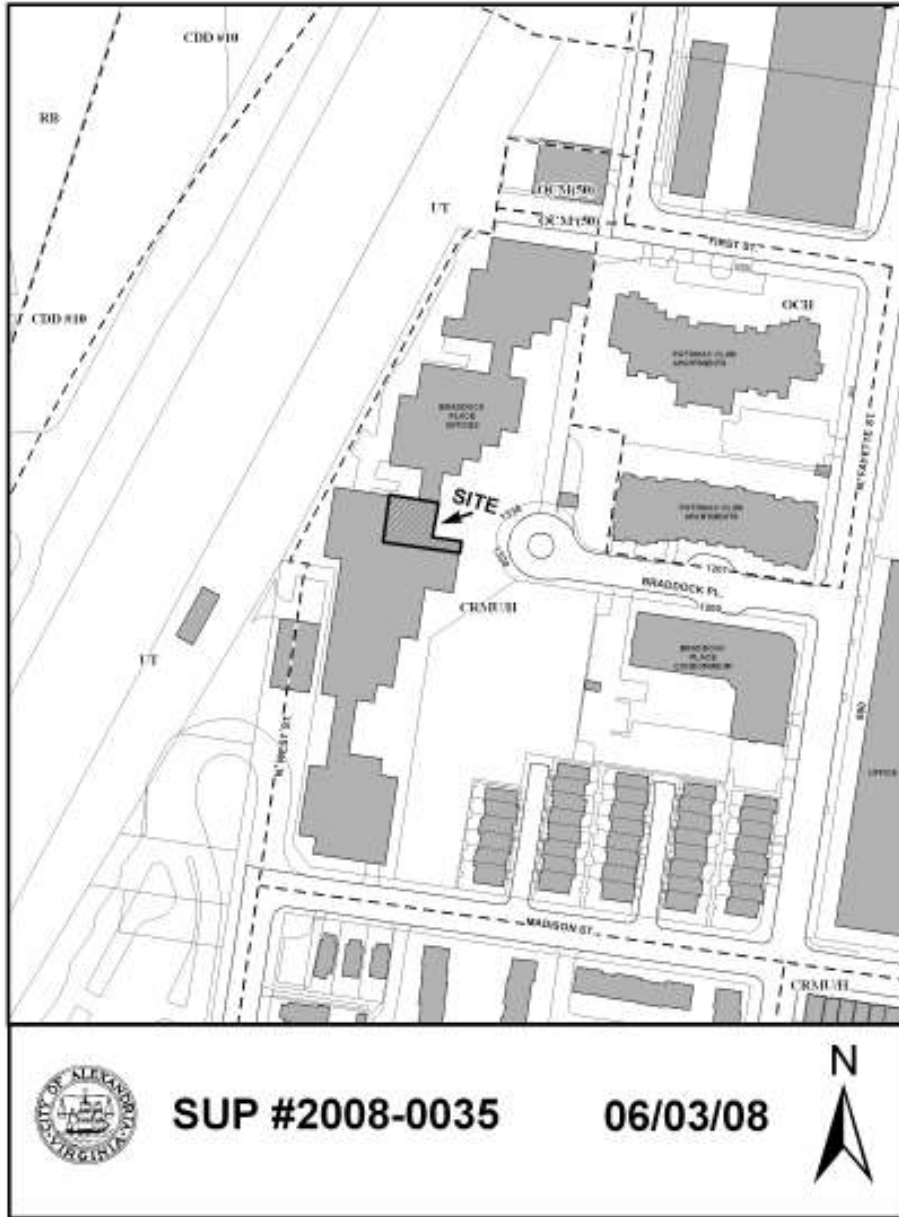
APPLICANT: Braddock Place Deli, LLC
by M. Catharine Puskar, attorney

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 1320 Braddock Place

ZONE: CRMU-H/Commercial Residential Mixed Use High

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



I. DISCUSSION

REQUEST

The applicant, Braddock Place Deli, requests amendments to an approved special use permit for the operation of a restaurant located at 1320 Braddock Place.

SITE DESCRIPTION

The subject property is part of the Braddock Place office park consisting of four office buildings on one lot of record at the terminus of Braddock Place. The total lot area of the office park is 155,275 square feet. Access to the property is from Braddock Place.

The surrounding area is occupied by a mix of office, residential and transportation uses. Immediately to the north is the Jaguar site, which is in the planning process for a new mixed use project. To the south are single family detached houses. To the east are the Braddock Place Townhomes and the residential high rises Braddock Place Condominiums and Potomac Club Residences. To the west are the Washington Metropolitan Transit Authority tracks.



BACKGROUND

On October 8, 1986, City Council granted Special Use Permit #1941 for the operation of a restaurant at this location. On December 14, 1991, City Council granted Special Use Permit #1941A for a change in ownership of the existing restaurant. On September 13, 2007, staff administratively approved Special Use Permit #2007-0078, a change of ownership for the existing restaurant. The existing restaurant seeks amendments to this Special Use Permit. The restaurant has operated as a deli style restaurant continuously with a 3 month hiatus from July 2007 to September 2007, when it was closed during a change of ownership.

On May 5, 2008, 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.

PROPOSAL

The applicant proposes to increase the hours of operation for the restaurant and allow outdoor dining. The applicant also requests removal of condition number five that requires daily trash pick up.

Hours: Current: 7:00 am – 4:00 pm, Monday through Friday
Proposed: 6:00 am – Midnight, daily

Number of seats: 86 inside, no change from current SUP
53 additional seats outdoors

Noise: No history of noise problems

Trash/Litter: Commercial trash collection as scheduled by building management

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 139 seats will be required to provide 35 off-street parking spaces. The Braddock Place development provides 848 off street parking spaces for use by the various tenants. Sufficient parking is provided for the subject restaurant.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-H/Commercial Residential Mixed Use-High zone. Section 5-303(N) of the Zoning Ordinance allows a restaurant in the CRMU-H zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for mixed use developments.

II. STAFF ANALYSIS

Staff supports the amendments to this Special Use Permit. The outdoor dining and later hours are consistent the City's goal of creating a lively active area around the Braddock Road Metro station. The newly adopted Braddock Road Metro Small Area Plan encourages businesses to remain open later and take steps to promote pedestrian oriented active uses. The Braddock Place complex has a large courtyard that is under utilized and the outdoor dining area will help to create a more appealing atmosphere. The trash collection is arranged by the management and is beyond the applicant's control, staff feels that the building management has ample incentive to ensure timely pick up of all waste.

Staff believes that with 848 parking spaces provided for the office complex, parking will not be an issue. Furthermore, the restaurant caters primarily to on site office workers and nearby residents who would not drive to the location.

With the following 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. **CONDITION AMENDED BY STAFF:** That seating be provided inside for no more than 86 patrons and outside for no more than 53 patrons. (P&Z)
2. **CONDITION DELETED BY STAFF:** ~~That no outside dining facilities be located on the premises.~~ (P&CD) (SUP #1941)
3. That no food, beverages, or other material be stored outside. (P&CD) (SUP #1941)
4. That trash and garbage be stored inside or in a dumpster. (P&CD) (SUP #1941)
5. **CONDITION DELETED BY STAFF:** ~~That trash and garbage be collected daily when the business is open.~~ (P&CD) (SUP1941A)
6. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&CD) (SUP#1941A)
7. **CONDITION AMENDED BY STAFF:** That the hours during which the business is open to the public be restricted to between ~~7:00 A.M. to 4:00 P.M., Monday through Friday~~ 6:00 am to midnight, daily, as requested by the applicant. Outdoor dining shall end by 10:00 pm. (P&Z)
8. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP2007-0078)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2007-0078)
10. The applicant shall control 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 and Environmental Services. (T&ES) (SUP2007-0078)
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2007-0078)

12. 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) (SUP2007-0078)
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. (T&ES) (SUP2007-0078)
14. 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) (SUP2007-0078)
15. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2007-0078)
16. **CONDITION ADDED BY STAFF:** The applicant shall submit a floor plan to the approval of the Director of Code Enforcement prior to use of any of the proposed outdoor dining facilities. (Code Enforcement)
17. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
18. **CONDITION ADDED BY STAFF:** 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)
19. **CONDITION ADDED BY STAFF:** Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
20. **CONDITION ADDED BY STAFF:** 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, (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: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, Urban Planner.

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:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2007-0078)
- R-2 The applicant shall control 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 and Environmental Services. (T&ES) (SUP2007-0078)
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2007-0078)
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 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) (SUP2007-0078)
- R-6 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) (SUP2007-0078)
- R-7 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) (SUP2007-0078)

- R-8 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2007-0078)
- 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. (SUP2007-0078)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (SUP2007-0078)

Code Enforcement:

- R-1 The applicant shall submit a floor plan to the approval of the Director of Code Enforcement prior to use of any of the proposed outdoor dining facilities.
- C-1 The proposed space for outdoor seating with tables occupies 800 square feet. The USBC limits the occupant loading for this area to 15 square feet per person or a total of 53 persons.
- C-2 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

Health Department:

- F-1 This facility is currently operating as Sophia's Café under an Alexandria health permit issued to Braddock Place Deli, LLC
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Food must be protected to the point of service.
- C-3 If changes to the facility are to be done, five sets of plans must 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-4 Permits or approval must be obtained prior to use of the new area(s)
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Parks & Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the increased hours of operation, the outdoor dining, and to the deletion of condition #5 which requires daily pick up of trash.
- F-2 The applicant is not seeking an A.B.C. permit. The Police Department concurs.

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**