

DATE: March 16, 2023

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00016
Administrative Review for Minor Amendment
Site Use: Restaurant with Outdoor Dining
Applicant: Stracci Pizza
Location: 106 Hume Avenue
Zone: CL / Commercial Low

Request

Special Use Permit #2023-00016 is a request for a Minor Amendment to amend Special Use Permit #2022-00048 by expanding the floor area occupied by the use by 350 square feet for purposes of adding a permanent, indoor kitchen to the business. The indoor kitchen expansion is intended to replace the temporary kitchen currently located within the temporary trailer on-site. The expiration date for the temporary trailer is noted in Condition #32. No other changes to the existing business are proposed.

Background

The subject site at 106 Hume Avenue was originally developed with single-family detached dwelling in 1925. In 2011, the dwelling was converted into a two-family dwelling and, in 2013, a basement apartment was added. A commercial use was first located at the site when, on January 12, 2013, City Council approved Special Use Permit #2012-00077 as requested by Connie Desrosiers for a restaurant, called Emma's, with 18 seats of outdoor dining immediately front of the restaurant and a five-space parking reduction. The scope of work under this approval also included a 954 square-foot, one-story addition on the front and west sides of the subject property. On June 14, 2014, City Council approved Special Use Permit #2014-00029 for an extension to previously approved Special Use Permit #2012-00077 due to the fact that operation of the use had not commenced within 18 months of the date of granting of the Special Use Permit by City Council. Next, on April 7, 2017, staff administratively approved Special Use Permit #2017-00024 for a Change of Ownership from Connie Desrosiers to Susan Baharmast, who began to operate the business under the name Nectar. No other changes were made to the business as a result of this request. On May 26, 2021, staff administratively approved Special Use Permit #2021-00033 for both a Change of Ownership from Susan Baharmast to Stracci Pizza as well as a Minor Amendment to add off-premises alcohol sales and to allow third-party delivery services. Most recently, on September 17, 2022, City Council approved Special Use Permit #2022-00048 to approve a temporary trailer containing a kitchen as well as 46 seats of outdoor dining.

Parking

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants in the enhanced transit area to provide a minimum of one parking space for every 1,000 square feet of floor area. There is also an outdoor seating area with 46 seats, 20 of which are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. However, per Section 8-200(A)(17)(c) of the Zoning Ordinance, “*The area occupied by each seat over 20 shall be calculated as 15 square feet per seat.*” Thus, for parking calculation purposes, the remaining 26 seats would count as 390 square feet. The 2,216 square foot restaurant and the 390 square feet added by outdoor dining for a total of 2,606 square feet for purposes of calculating require parking. The minimum parking required for the site would then be three parking spaces. The applicant has an existing parking agreement with the property owner of 2903 Mount Vernon Avenue, which is located approximately 50 feet away from the subject site, at which the three-space parking requirement is satisfied at this 12-space surface lot.

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 not received any comments from residents or adjacent businesses regarding the request.

Staff Action

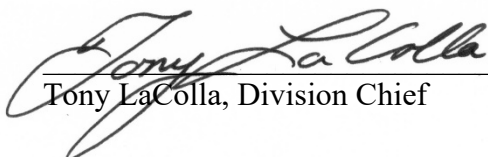
Staff does not object to the Minor Amendment for the 350-foot expansion request it will allow for the applicant to transfer all restaurant cooking from the temporary trailer to an interior space. The restaurant has operated successfully at this location for many years with no proven impacts on the surrounding neighborhood or complaints from residents.

Special Use Permit conditions have been carried over from Special Use Permit #2022-00048. However, Condition #18 has been amended to specify that kitchen mats are not to be cleaned outside where their residue might be washed into streets, alleys, or storm sewers. In addition, Condition #24 has been amended to restart the standard one-year review required of all Special Use Permits.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 16, 2023
Action: Approved


Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2023-00016

The owner 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2012-00077)
2. The maximum number of indoor seats at the restaurant shall comply with the state building code. The maximum number of outdoor seats at the restaurant shall be 46 and shall not encroach into the public right-of-way. (P&Z)
3. All patrons must leave the premises one hour after the closing hour. (P&Z)
4. The hours of operation for outdoor seats shall be limited to between 7 a.m. and 10 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. daily. The outdoor seating area shall not include signage on umbrellas. (PC)
5. On and off premises alcohol service may be offered with a valid Virginia ABC license. (P&Z) (SUP2021-00033)
6. All facade improvements to the building, including any awnings or signage, shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Area Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2012-00077)
7. Indoor limited live entertainment may be offered and must comply with the City's noise ordinance. 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)
8. Third-party delivery service is permitted. Delivery-vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
9. 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#2012-00077)
10. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape invasion by animals, or leaking. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)

12. Landscaping may be installed on City-owned property adjacent to the existing fence to the satisfaction of the Director of Planning & Zoning but shall not include the planting of trees and shall be subject to a separate agreement with the City to cover the installation and future maintenance. (P&Z) (SUP#2012-00077)
13. Access to the commercial parking lot shall be directly from Hume Avenue only. (P&Z) (SUP#2012-00077)
14. Supply deliveries, loading, and unloading activities shall occur only in the parking lot. No delivery trucks shall be parked on Hume Avenue or in the public alley to the north of the property, and all loading and unloading activities shall be prohibited from the public right-of-way. (P&Z) (SUP#2012-00077)
15. The applicant shall prohibit all vendors, including supply delivery trucks and maintenance vehicles, from using residential side streets when traveling to the restaurant. Vendors shall access Hume Avenue directly from Mount Vernon Avenue only. (P&Z) (SUP#2012-00077)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 9 p.m. and 7 a.m. (P&Z) (T&ES)
17. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES) (SUP#2012-00077)
18. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (~~SUP#2012-00077~~)
19. All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
20. 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#2012-00077)
21. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line after 10:00 p.m. (T&ES)
22. ~~CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #25~~
(SUP#2017-00024)
23. ~~CONDITION DELETED BY STAFF~~ (SUP#2017-00024)

24. **CONDITION AMENDED 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, or (c) the Director has determined that there are problems. (P&Z) (SUP2022-00048)
25. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) (SUP#2017-00024)
26. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information on establishing an employee transportation benefits program. (P&Z) (SUP#2017-00024)
27. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP#2017-00024)
28. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP#2017-00024)
29. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP#2017-00024)
30. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it. (P&Z) (SUP2021-00033)
31. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES) (SUP2021-00033)
32. The temporary trailer shall be permitted at the site for two years after Special Use Permit approval and until September 16, 2024 with an opportunity to increase the term for an additional three years through an Administrative Special Use Permit. (PC) (SUP2022-00048)
33. The applicant shall maintain a parking agreement for three spaces to be provided at 2903

Mt. Vernon Avenue. (P&Z) (SUP2022-00048)

34. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)(SUP2022-00048)

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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 In review of standard condition language, suggest the following addition to clarify intent of Condition #18 in SUP2022-00048. **(OEQ)**

*#18: Kitchen equipment, **including floor mats**, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
(OEQ)*

Code Enforcement:

C-1 Building permit is required for review.

Parks and Recreation:

No comments or concerns.

Police Department:

No comments received

Health Department:

C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.

C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.

C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

C-4 A Food Protection Manager shall be on-duty during all operating hours.

C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

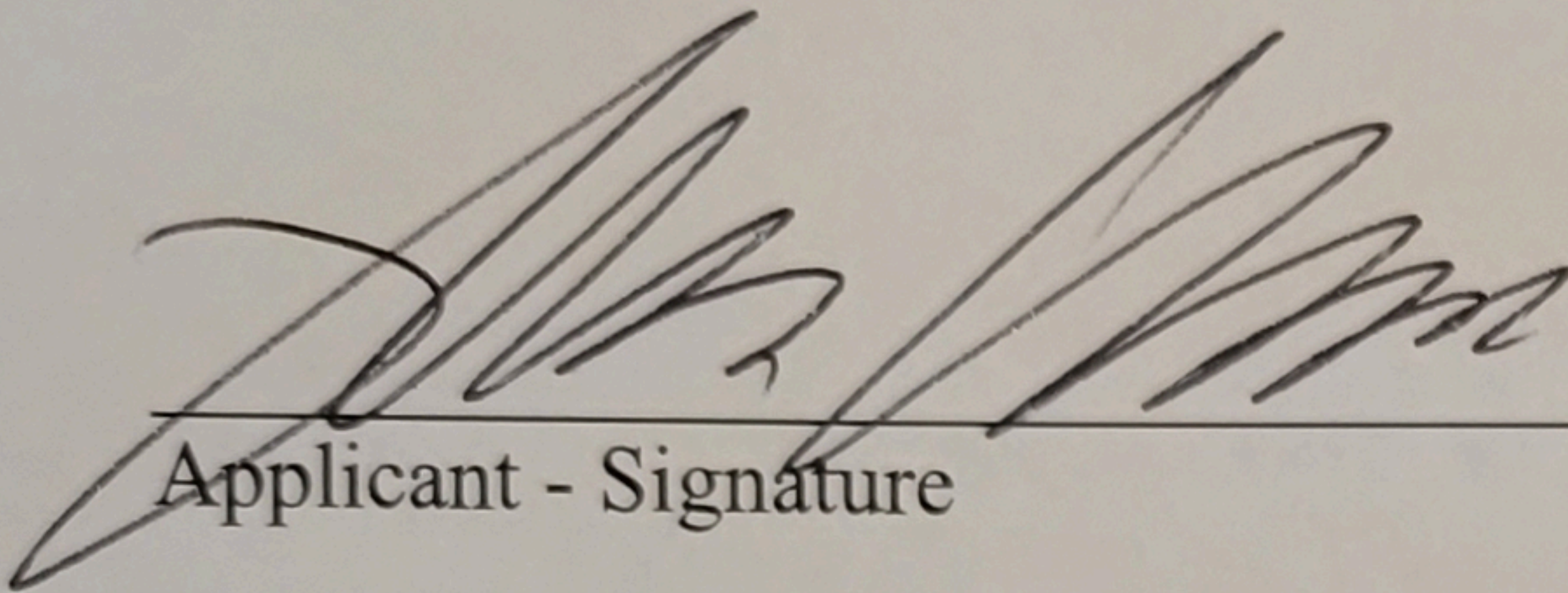
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.
- C-8 Please ensure this facility submits plans to the Alexandria Health Department prior to starting construction on the new dining area.

Fire Department:

- C-1 Applicant shall apply for a fire prevention for assembly occupancy. If there is a current fire prevention permit for this location, applicant shall reapply and update to reflect increased occupant load.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00016. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 106 Hume Avenue.


Applicant - Signature

03/21/2023
Date

THOMAS CARJARELLI
Applicant - Printed

03/21/2023
Date