

DATE: July 7, 2015

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Ann Horowitz, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0065  
Administrative Review for Change of Ownership and a Minor Amendment  
Site Use: Restaurant  
Applicant: St. Elmo's Coffee Pub  
Location: 2300 Mount Vernon Avenue  
Zone: CL/Commercial Low and R-2-5/Single- and Two-Family

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### **Request**

Special Use Permit #2015-0065 is a request to change the ownership of an existing restaurant at 2300 Mount Vernon Avenue from Nora Partlow to Culinary Concept, LLC and for a minor amendment to add on-premises alcohol sales. No additional changes are proposed for the restaurant which will continue to operate as St. Elmo's Coffee Pub, selling coffee, baked goods, salads, and sandwiches.

### **Background**

City Council approved SUP#95-0185 for a restaurant with outdoor seating and live entertainment as well as ENC#95-0016 for outdoor seating located in the public right-of-way in December 1995. In 1996, City Council approved a request for an increase in the number of seats through SUP#96-0045. Administrative approval for SUP#2012-0042 was granted for a change of ownership and a minor amendment to the indoor and outdoor seating configuration in July 2012.

In 2010 and 2011, Code investigators confirmed complaints that trash collectors were picking up refuse during early morning hours. The business owner immediately resolved the early morning pickup of trash. A recent SUP inspection revealed no violations.

### **Community Outreach**

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to the DelRay Citizen's Association. Staff has not received any comments.

### **Staff Action**

Staff believes the change of ownership and the minor amendment are reasonable requests. The request to add on-premises alcohol sales to this established, neighborhood business would provide the applicant with the opportunity to compete with other restaurants serving alcoholic beverages along Mount Vernon Avenue and to expand its profit margin. On-premises alcohol sales are permitted in the amendment to Condition 7. All other conditions have been carried forward from SUP#2012-0042. Staff hereby approves the Special Use Permit request.

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

Date: July 7, 2015  
Action: Approved

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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2015-0065**

The new 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 corporation in which the applicant has a controlling interest. (P&Z) (SUP #95-0185)
2. Outdoor and indoor seating shall be provided for no more than a total of 90 patrons. (P&Z) (SUP#2012-0042)
3. Live entertainment shall be limited to acoustic, non-amplified music. Microphones shall not be used. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (P&Z) (SUP #95-0185)
4. The hours of operation for indoor seating shall be limited to between 6:00 A.M. and 10:00 P.M., Sunday through Thursday, and 6:00 A.M. and midnight, Friday and Saturday. (P&Z) (SUP #95-0185)
5. The hours of operation for outdoor seating shall be limited to 6:00 A.M. to 9:00 P.M., daily. Outdoor seating shall be cleared of patrons by 9:00 P.M. and the area shall be cleaned and washed before 10:00 P.M. (P&Z) (SUP #95-0185)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #95-0185)
7. **CONDITION AMENDED BY STAFF:** ~~No alcoholic beverages shall be sold.~~ On premises alcohol service shall be permitted. (P&Z) ~~(SUP #95-0185)~~
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #95-0185)
9. 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) (SUP#96-0045)
10. Condition deleted.
11. 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) (SUP #95-0185)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #95-0185)

13. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z) **(T&ES)** (SUP#2012-0042)
14. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in the outdoor seating area. (P&Z) (SUP #95-0185)
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) (SUP#2012-0042)
16. Condition deleted. (SUP#2012-0042)
17. Condition deleted. (SUP#2012-0042)
18. The applicant shall maintain plantings and planter boxes in good condition. (P&Z) (SUP #95-0185)
19. Condition deleted. (SUP#2012-0042)
20. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program. (Police) (SUP #95-0185)
21. **CONDITION AMENDED BY STAFF:** 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, 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 a result of a complaint that rises to the level of a violation of the Special Use 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) ~~(SUP#2012-0042)~~
22. 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#2012-0042)
23. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2012-0042)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0065. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2300 Mount Vernon Avenue.

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\_\_\_\_\_  
Applicant – Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

**Conditions from Previous SUP:**

- R-1 Live entertainment shall be limited to acoustic, non-amplified music. Microphones shall not be used. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (P&Z) (SUP #95-0185)
- R-2 The hours of operation for indoor seating shall be limited to between 6:00 A.M. and 10:00 P.M., Sunday through Thursday, and 6:00 A.M. and midnight, Friday and Saturday. (P&Z) (SUP #95-0185)
- R-3 The hours of operation for outdoor seating shall be limited to 6:00 A.M. to 9:00 P.M., daily. Outdoor seating shall be cleared of patrons by 9:00 P.M. and the area shall be cleaned and washed before 10:00 P.M. (P&Z) (SUP #95-0185)
- R-4 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) (SUP #95-0185)
- R-5 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #95-0185)
- R-6 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) **(T&ES)** (SUP2012-00042)
- R-7 Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in the outdoor seating area. (P&Z) (SUP #95-0185)
- 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) (SUP2012-00042)
- R-9 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) (SUP2012-00042)
- R-10 Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2012-00042)

**City Code Requirements from Previous SUP:**

- 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. (T&ES)
- C-2 **Amended by Staff:** 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). ~~(AUP2007-00003)~~ In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

Code Enforcement:

No comments received

Fire Department:

- C-1 A new fire prevention permit shall be applied for and obtained by the new owner.

Health Department

**Food Facilities:**

- 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 A Food Protection Manager shall be on-duty during all operating hours.
- C-3 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-4 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-5 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.

Parks and Recreation:

No comments received

Police Department:

No comments received