

DATE: August 4, 2015

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

FROM: Ann Horowitz and Nathan Randall, Planners
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0068
Administrative Special Use Permit for New Use
Site Use: Restaurant
Business Name: Yammi Market & Café
Applicant: Yamrot Ayalew
Location: 5245 Duke Street
Zone: OCM(50)/ Office Commercial Medium

Request

Special Use Permit #2015-0068 is a request for a new restaurant within an existing market at 5245 Duke Street. The 1,200 square-foot tenant space is part of a building containing office, retail, and personal service uses and is surrounded by a 185-space shared parking lot. The restaurant would offer 20 indoor seats in a full-service format and operate from 8 a.m. to 10 p.m., Monday through Friday; 5 a.m. to 10 p.m., Saturday; and 10 a.m. to 10 p.m., Sunday. The applicant would focus on breakfast and lunch offerings such as eggs, pancakes, coffee, and hot and cold sandwiches. Ethiopian food would also be served. Two employees would work at the restaurant at any one time. The applicant would not offer alcohol service, live entertainment, or customer deliveries.

Background

Retail uses have commonly occupied the subject tenant space since the construction of the mixed use building in 1971. City Council overturned Planning Commission approval and denied SUP#2000-0012 for a carry-out restaurant with nine parking spaces due to concerns regarding insufficient parking.

The applicant opened a market at the site in March 2015. In addition to the applicant's market, a hair salon, tailor, restaurant, and dry cleaners currently occupy the five retail tenant spaces available at the building.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Cameron Station Civic and Community Associations, Holmes Run Park Committee, Hallmark Condominium Units Owners Association, The Lofts Condominiums, Pavillion on the Park Condominiums, Place One Condominiums, Greenhouse Condominiums, Canterbury Square Condominiums, Templeton Council of Co-Owners, Wapleton Condominiums, and Pickett Center Condominiums have been informed of the change of ownership request. Staff has not received any comments regarding the SUP proposal.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. The restaurant must provide five parking spaces in the 185-space shared parking lot.

Staff Action

Staff supports the applicant's request to operate a restaurant at 5245 Duke Street. The addition of a restaurant at this location would provide another food option in close proximity to offices and residences. Neighborhood impacts for traffic, odor, and noise are minimal since the restaurant would be relatively small and would not serve alcohol or provide live entertainment.

Additionally, parking availability for the building uses should not be impacted because the restaurant requirement for five spaces is less than the parking mandate of eight spaces for the present-day market. Staff visits to the site revealed that parking vacancies existed in the parking lot during peak business hours.

Standard conditions for restaurants approved administratively have been included in this report. The weekly hours of operation have been standardized to allow for business flexibility as noted in Condition #2.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: August 4, 2015
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0068

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 by the Director 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)
2. The indoor hours of operation shall be limited to between 5 a.m. and 10 p.m., daily. Orders placed before 10 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 11 p.m. (P&Z)
3. The maximum number of indoor seats shall be 20. (P&Z)
4. Live entertainment shall not be permitted at the restaurant. (P&Z)
5. On-premises alcohol service shall not be permitted. (P&Z)
6. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
7. No delivery vehicles or delivery service shall operate from the restaurant. (P&Z) (T&ES)
8. 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 to prevent the underage sale of alcohol. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
11. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
12. The applicant shall encourage its employees and customers 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. (T&ES)
13. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such

as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES)

14. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
15. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES)
16. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (T&ES)
17. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
18. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
19. The applicant shall control 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)
20. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (T&ES)
21. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
22. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
23. 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 with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- R-1 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- R-2 The applicant shall encourage its employees and customers 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.
- R-3 At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program.
- R-4 The applicant shall require its employees who drive to work to use off-street parking.
- R-5 The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.
- R-6 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- R-7 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- R-8 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
- R-9 Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.
- R-10 The applicant shall control 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.

- R-11 Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- R-12 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-13 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- C-1 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). 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, for information about completing this form. (T&ES)

Code Administration

No comments received.

Fire

- C-1 Based on the information provided, the occupant load does not appear to exceed maximum load to be classified as an Assembly therefore it does not appear a fire prevention permit will be required.

Health

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 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.
- 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.

Recreation, Parks, and Cultural Activities:

No comments received

Police

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0068. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5245 Duke Street.



Applicant - Signature

08/07/15
Date

Yamrot Ayayew
Applicant - Printed

08/07/15
Date