

DATE: January 22, 2016

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

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0133
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Washout LLC
Location: 1603 Commonwealth Ave
Zone: CL/Commercial Low

Request

Special Use Permit #2015-0133 is a request to change ownership of an existing restaurant from AFC II, LLC to Washout, LLC. The applicant proposes to continue operating a restaurant use at 1603 Commonwealth Avenue under the trade name, Live Oak, and does not request any changes to SUP conditions.

Background

The proposed restaurant site is developed as a one story commercial building, subdivided into five commercial spaces, and an adjacent surface parking lot with 20 spaces for vehicular parking. When developed in 1953, the building was granted a variance allowing the structure to be constructed with 21 parking spaces. The variance stated that the associated parking lot was, "all that will be necessary to comply with off-street parking requirements for the proposed building" and its uses.

Since 1990, a restaurant has operated at 1603 Commonwealth Avenue. Over the years several City Council and administrative approvals have permitted parking reductions, the addition of outdoor seating, delivery service, and changes of ownership. In addition, City Council approved two parking reduction requests between 1990 and 1993 gradually reducing the restaurant's parking requirement to zero.

Parking

Section 8-200(A)(8) technically requires the applicant to provide 30 parking spaces for a 120 seat restaurant. However, the applicant is not required to provide off-street parking as the parking variance and the parking reductions reduced its requirements to zero. Nonetheless, restaurant patrons may access the shared parking spaces in the 20 space parking lot as indicated in the variance.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the West Potomac Mews Homeowner Association, Rosemont Citizens Association, and the Del Ray Citizens Association were sent an e-mail with information about the current application. Staff has not received any complaints from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff supports the applicant's request for a change of ownership for the business. The continued restaurant use adheres to the goals of the Potomac West Small Area Plan by preserving an active commercial shopping center to support the Del Ray community. The continued use also supports the ongoing operation of a restaurant which has historically been a neighborhood destination serving the surrounding community.

Staff has carried forward previous SUP conditions regarding indoor and outdoor seating, entertainment, signage and other standard conditions. Staff amended Condition 6 requiring the parking lot to be maintained in good condition at all times. Condition 8 was updated to clarify on and off-premises sales of alcohol. Condition 10 was updated to reflect current language prohibiting outdoor speakers at the restaurant. Condition 11 was revised to ensure all loading and unloading occurs through the rear of the building. Condition 12 was revised to ensure the dumpster remains enclosed and out of sight. Hours of operation and departure of all patrons was clarified in revisions to Condition 15. Condition 16 was deemed partially satisfied, and staff removed language for tasks that had been completed. Standard language requiring the removal of litter was added to Condition 17 to bring it up to current City standards required in other SUP reports. Condition 19 was updated to allow the applicant to offer outdoor seating when seasonally permitted without requesting permission. Condition 20 was deleted by staff. Condition 21 detailing the SUP review process was revised to include current language. Delivery vehicle parking in Condition 23 was amended to allow off-street parking elsewhere than the adjacent parking lot. A phone number for the Crime Prevention Unit of the Alexandria Police Department was added to Condition 24.

Condition 28 was included to ensure the proper disposal of waste products. Conditions 29 and 30 were added to encourage the promotion of alternative forms of transportation for employees and customers. Condition 31 was added as a standard SUP condition requiring employee training on SUP conditions.

Staff hereby approves the Special Use Permit request.

SUP2015-0133
1603 Commonwealth Ave.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 22, 2016

Action: Approved



Alex Dambach, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-0133

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 business or entity in which the applicant has a controlling interest. (P&CD) (SUP 94-0363)
2. Seating shall be provided inside for no more than 80 patrons. (P&CD) (SUP 94-0363)
3. No food, beverages, or other material shall be stored outside. (P&CD) (SUP 94-0363)
4. Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP 94-0363)
5. Trash and garbage shall be collected daily Monday through Saturday between the hours of 8:00 A.M. and 5:00 P.M. (City Council) (SUP 94-0363)
6. **CONDITION AMENDED BY STAFF:** The adjacent parking lot shall be ~~re-surfaced, striped, lighted and landscaped to the approval of the Director of Transportation and Environmental Services and the Director of Planning and Community Development, and the lot shall be maintained in good condition at all times.~~ (P&CD) (SUP 94-0363) (P&Z)
7. No live entertainment shall be permitted at the restaurant. (P&Z) (SUP 97-0043)
8. **CONDITION AMENDED BY STAFF:** No off-premises sale of alcoholic beverages shall be permitted. On premises alcohol sales are allowed. (P&CD) (SUP 94-0363) (P&Z)
9. New signs shall be erected to direct customers to the parking lot, to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP 97-0043)
10. **CONDITION AMENDED BY STAFF:** No outdoor speakers shall be permitted. No music or amplified sound shall be audible ~~from outside the restaurant at the property line.~~ (P&Z)(PC) (SUP 94-0363)
11. **CONDITION AMENDED BY STAFF:** The loading and unloading from ~~purveyors, beyond the actual installation of equipment itself,~~ shall not be done on the main street, but shall be done through the back. (PC) (SUP 94-0363) (P&Z)
12. **CONDITION AMENDED BY STAFF:** The dumpster shall be remain enclosed, ~~to the satisfaction of the Director of Planning and Community Development.~~ (PC) (SUP 94-0363) (P&Z)

13. On Saturday and Sunday, no alcoholic beverages shall be served before 9:30 A.M., and on Monday through Friday no alcoholic beverages shall be served before 11:00 A.M. (City Council) (SUP 94-0363)
14. All employees shall park in the parking lot. (City Council) (SUP 94-0363)(P&Z)
15. **CONDITION AMENDED BY STAFF:** The hours of operation for indoor dining shall be limited to 7:00 a.m. to 11:00 p.m., Sunday through Thursday; and 6:00 a.m. to 12:30 a.m. on Friday and Saturday. All patrons must leave by 12 midnight Sunday through Thursday and by 1:30 am Friday and Saturday. (City Council)-(SUP 97-0043)(P&Z)
16. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** Outside dining facilities shall be provided for no more than 40 patrons within the area delineated on the accompanying plan, with design plans subject to the approval of the Director of Planning and Zoning Community Development.~~The plan that is submitted now with this special use permit, with outdoor dining on the Commonwealth and Monroe Avenue side, is to be allowed subject to the design plans approved by the Director of Planning and Community Development.~~ (City Council) (SUP 94-0363) (P&Z)
17. **CONDITION AMENDED BY STAFF:** 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. Litter shall be picked up as it is generated, and~~t~~The outside dining area shall be scrubbed and washed down by 10:00-11:00 P.M. each day of operation. (P&CD)-(SUP 94-0363) (P&Z)
18. The hours of operation for outdoor seating shall be limited from 8:00 A.M. to 10:30 P.M., Monday through Friday, and to 9:30 A.M. to 10:30 P.M. on Saturday and Sunday. Outdoor dining shall be cleared of all diners by 10:30 P.M. and the area shall be cleaned and washed before 11:00 P.M. In the event that complaints are received about noise coming from the outdoor seating area after 9:30 P.M., and staff determines that the complaints are justified, the closing time shall revert to 9:30 P.M. (P&Z) (PC) (SUP 97-0043)
19. **CONDITION AMENDED BY STAFF:** The outdoor seating area shall be in use seasonally only between May through October, or as weather permits in other months,~~as requested by the applicant.~~ (P&CD)-(SUP 94-0363) (P&Z)
20. **CONDITION DELETED BY STAFF:** ~~A parking waiver shall be granted for ten (10) off-street parking spaces.~~ (P&CD) (SUP 94-0363)

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 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 97-0043~~)
22. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP 94-0363) (SUP 97-0043)
23. **CONDITION AMENDED BY STAFF:** No more than two vehicles shall be used for delivery service at any one time. Delivery vehicles shall park off-street in the parking lot only, and shall not park in the public streets. (P&Z) (~~SUP 97-0043~~)
24. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police) (SUP 97-0043) (P&Z)
25. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties. (Health) (SUP 97-0043)
26. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2005-0062)
27. 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 #2005-0062)
28. **CONDITION ADDED BY STAFF:** 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. (P&Z)
29. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (P&Z)

30. CONDITION ADDED BY STAFF: 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 Local Motion at 703-746-4686 or www.alexandriava.gov/LocalMotion for more information about available resources. (P&Z)

31. 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 to prevent the underage sale of alcohol. (P&Z)

SUP2015-0133
1603 Commonwealth Ave.

STATEMENT OF CONSENT

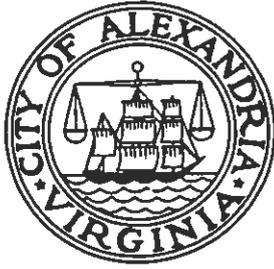
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0133. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1603 Commonwealth Avenue.


Applicant - Signature

1-27-2016
Date

JEREMY BARBER
Applicant - Printed

1-27-2016
Date



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2015-0133
Approved by Planning and Zoning: January 22, 2016
Permission is hereby granted to: Washout LLC
to use the premises located at: 1603 Commonwealth Ave
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

1/22/16

Date

KARL MORITZ/AD
Karl Moritz, Director
Department of Planning and Zoning