

DATE: April 20, 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 #2023-00012
Administrative Review for Minor Amendment
Site Use: Restaurant with Outdoor Dining
Applicant: Noe Landini
Location: 1508 Mount Vernon Avenue
Zone: CL / Commercial Low

Request

Special Use Permit #2023-00012 is a request for a Minor Amendment to amend Special Use Permit #2016-00077 to add up to 40 seats of outdoor dining on private property to an existing restaurant known as Junction Bakery & Bistro. An approximately 740 square feet, uncovered, unenclosed patio will be constructed to accommodate an outdoor dining area in the surface parking located on-site. No other changes to the existing business operations are proposed.

Background

In February 1996, City Council first approved Special Use Permit #1995-00205 for a restaurant use, known as Mancini's Restaurant, at the subject site. In November 1996, City Council approved both Special Use Permit #1996-00156 for additional seating, outdoor dining, and an increase in the hours of operation for the business as well as Encroachment #1996-00005 to permit eight seats of outdoor dining in the public right of way along Mount Vernon Avenue located in front of the business and for an awning. In November 1998, City Council approved Special Use Permit #1998-00119 which authorized live entertainment and on-premises alcohol sales. In March 1999, City Council approved Encroachment #1999-00001 to permit the use of the public alleyway at the rear of the restaurant for customer and employee parking. In May 2001, City Council approved Special Use Permit #2001-00020 to allow extended hours of operation. In June 2002, City Council approved Special Use Permit #2002-00024, a one-year review of the previous approval, which also addressed resident concerns related to noise from supply deliveries and employees parking on nearby streets. In November 2015, Staff administratively approved Special Use Permit #2015-00102 for a change of ownership for the existing restaurant, which included a retail bakery and accessory catering, from Barbara Mancini to Noe Landini who began operating the business as Junction Bakery & Bistro. Most recently, in January 2016, City Council approved Special Use Permit #2016-00077 which allowed the business to begin selling off-premises beer and wine.

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 40 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 20 seats would count as 300 square feet. The 5,348 square foot restaurant and the 300 square feet added by outdoor dining for a total of 5,658 square feet for purposes of calculating require parking. The minimum parking required for the site would then be six parking spaces. The applicant meets this requirement via the nine off-street parking spaces located in the on-site surface parking 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 received a question from a resident of Del Ray who inquired as to whether or not the business would continue to meet its off-street parking requirement as a result of the patio’s construction. Staff confirmed that the business would exceed its six-space parking requirement by providing nine off-street spaces on-site. Staff has not received any other comments from residents or adjacent businesses regarding the request.

Staff Action

Staff does not object to the Minor Amendment request as the restaurant has operated successfully at this location for many years with no violations, complaints, or negative impacts on surrounding properties. In addition, the existing restaurant has operated eight seats of outdoor dining without issues, complaints, or violations since the time they were approved in 1996.

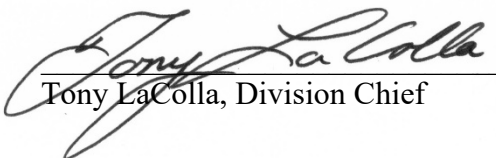
Special Use Permit conditions have been carried over from Special Use Permit #2016-00077. However, Conditions #2, #6, #7, #8, and #14 have been amended to bring these conditions into compliance with the City’s current condition language, Condition #30 has been amended to restart the one-year Special Use Permit review, and Condition #33 has been amended to reflect the approval of 32 additional seats of outdoor dining. In addition, Condition #40 has been deleted and replaced by Condition #7. Finally, current standard Conditions #44, #45, and #46 have been added.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 20, 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 #2023-00012

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 corporation in which the applicant has a controlling interest. (SUP #1995-00205)
2. **CONDITION AMENDED BY STAFF:** ~~The maximum number of indoor seating at the restaurant shall comply with the state building code be provided for no more than 60 patrons.~~ (P&Z) (SUP #2015-00102)
3. Condition deleted. (SUP #1996-00156)
4. **CONDITION AMENDED BY STAFF:** Live entertainment shall be limited to an occasional small combo, defined as limited live entertainment. 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 the food service as well as the entertainment. (PC) ~~(SUP2002-00024)~~
5. The hours of operation shall be limited to 6:00 A.M. to 10:00 P.M. Sunday through Thursday, and until 12:00 Midnight on Fridays and Saturdays. Outdoor seating shall be limited to 8:00 A.M. to 8:00 P.M. daily. (P&Z) (City Council) (SUP2001-00020)
6. **CONDITION AMENDED BY STAFF:** The applicant shall post the hours of operation at the entrance to the business restaurant. (SUP #1995-00205)
7. **CONDITION AMENDED BY STAFF:** On and off premises-site alcohol service sales is are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2002-00024)
8. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (SUP1995-00205)
9. Trash and garbage shall be placed, stored inside, or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP2002-00024)
10. Condition deleted. (SUP1996-00156)
11. Condition deleted. (SUP2015-00102)

12. 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. (SUP1995-00205)
13. 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) (P&Z) (SUP2002-00024)
14. **CONDITION AMENDED BY STAFF:** ~~The use must comply with the city's noise ordinance.~~ All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (SUP2002-00024)
15. Condition deleted. (SUP2015-00102)
16. Loading or unloading shall occur only between 7:00 AM and 10:00 PM, and no loading or unloading shall occur from the City right-of-way unless authorized by staff. (City Council) (P&Z) (SUP2015-00102)
17. Condition deleted. (SUP2015-00102)
18. Condition deleted. (SUP1996-00156)
19. Condition deleted. (SUP2015-00102)
20. The applicant shall maintain a landscape plan which includes site lighting, a screened dumpster, and parking screening along Mount Vernon Avenue and East Monroe Avenue to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP2015-00102)
21. All landscaping at the site shall be maintained in good condition by the applicant. (P&Z) (SUP2015-00102)
22. The applicant shall restripe the parking lot and maintain the parking lot paving in good repair. (T&ES) (P&Z) (SUP2015-00102)
23. All exterior work shall be in compliance with the Mount Vernon Avenue Guidelines. (SUP1995-00205)
24. Condition deleted. (SUP2015-00102)
25. Condition deleted. (SUP2015-00102)
26. Condition deleted. (SUP2002-00024)

27. The applicant shall direct or shade parking lot lighting away from adjacent residences to the satisfaction of the Director of Transportation and Environmental Services. (T&ES) (SUP1996-00156)
28. The dumpster shall be located adjacent to the building as depicted on the plat referenced in Ordinance #4048 and shall be completely screened from public view to the satisfaction of the Director of Planning and Zoning, with the requirement that the dumpster be serviced at least three times a week. (P&Z) (City Council) (SUP2001-00020)
29. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (City Council) (SUP2001-00020)
30. **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, 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) (SUP2002-00024)
31. 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) (T&ES) (SUP2002-00024)
32. The applicant must comply with all conditions listed in ENC #1996-00005 and ENC #1999- 00001. (P&Z)
 - i. The applicant (and his or her successors, if any) obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (P&Z) (City Atty)
 - ii. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by

- the City. (P&Z) (T&ES)
- iii. The applicant shall maintain a minimum width of five feet of public sidewalk adjacent to the entire length of the proposed encroachment. (T&ES)
 - iv. The applicant shall provide a detailed dimensional drawing showing the relationship of the proposed encroachment to the sidewalk at the south side of the property. (T&ES)
 - v. The applicant shall maintain a separation between the encroachment area and the public sidewalk with a physical barrier. (T&ES)
 - vi. The dumpster shall not interfere with access out of the driveway on East Monroe Avenue. (T&ES)
 - vii. The applicant shall install permanent bollards at the corners of the exposed screening to the satisfaction of the Director of Planning and Zoning. (P&Z)
 - viii. City Council granted the request for the encroachment for the purpose of customer and employee parking, but not for the dumpster, and included in the approval a requirement that the dumpster be located adjacent to the concrete ramp, that it be relocated and screened within 30 days from Council's approval, and included the drawing that is attached to the memorandum dated March 31, 1999, as part of the record to indicate the location of the dumpster. (City Council) (ENC1996-00005) (ENC1999-00001)
33. **CONDITION AMENDED BY STAFF:** The maximum number ~~for~~ of outdoor seats shall be ~~eight~~ 40. (P&Z) (~~SUP2015-00102~~)
34. 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 the underage sale of alcohol. (P&Z) (SUP2015-00102)
35. 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. (P&Z) (T&ES) (SUP2016-00077)
36. 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) (T&ES) (SUP2016-00077)
37. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP2016-00077)

38. 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 about available resources. (P&Z) (T&ES) (SUP2016-00077)
39. 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. (P&Z) (T&ES) (SUP2016-00077)
40. **CONDITIONED DELETED BY STAFF:** ~~Off-premises alcohol sales may be permitted at the restaurant. Beer or wine coolers may be sold only in 4 packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wines (or wine with an alcohol content of 16.5% or more by volume) may not be sold unless in the form of dessert wines, premium ports, sherries, madeiras, and similar wines. (P&Z) (SUP2016-00077)~~
41. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP2016-00077)
42. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2016-00077)
43. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES) (SUP2016-00077)
44. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
45. **CONDITION ADDED BY STAFF:** 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)
46. **CONDITION ADDED BY STAFF:** The outdoor dining area shall not be cleaned, in a manner that creates a discharge to streets, alleys, or storm sewers. (T&ES)
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SUP2023-00012
1508 Mount Vernon Avenue

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:

F-1 SUP conditions approved as part of Special Use Permit #2016-00077 be carried forward to this SUP amendment. (T&ES)

R-1 The outdoor dining area shall not be cleaned, in a manner that creates a discharge to streets, alleys, or storm sewers. (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 SUP 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)

C-2 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-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

C-1 Patio and stairs need building permit

Parks and Recreation:

No comments or concerns.

Police Department:

No comments received

Health Department:

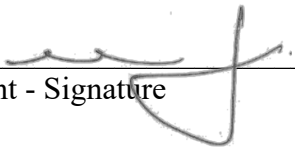
- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted 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.

Fire Department:

- C-1 If applicant does not currently have a fire prevention permit, applicant shall apply for a fire prevention permit for assembly use and occupancy over 49 occupants.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1508 Mount Vernon Avenue.



Applicant - Signature

04/26/2023

Date

Noe Landini

Applicant – Printed

04/26/2023

Date