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	#2014-0072
Approved by Planning and Zoning:	August 22, 2014
Permission is hereby granted to:	Tania Leach d/b/a Seva Café
to use the premises located at:	2016 Mount Vernon Avenue
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.

8/22/2014
Date

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

DATE: August 22, 2014

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0072
Administrative Review for Change of Ownership and New Use
Site Uses: Restaurant and Outdoor Dining
Applicant: Tania Leach d/b/a Seva Café
Location: 2016 Mount Vernon Avenue
Zone: CL / Commercial Low and Mount Vernon Urban Overlay

Request

Special Use Permit #2014-0072 is a request to change ownership of an existing restaurant from Dan Bender to Tania Leach. The applicant has also requested the addition of outdoor dining on private property located immediately in front of the restaurant. A new door on the front of the restaurant leading into the outdoor dining area will be added in connection with the proposal, and the existing flower planter will be removed. No other changes to the existing SUP conditions are proposed. The applicant plans to continue to operate a coffee shop with a limited food menu under the trade name of "Seva Café."

Background

A media consulting company known as "Mind and Media" previously operated in this space for many years. In September 2013, staff administratively approved SUP#2013-0062 to Dan Bender to operate a "coffee shop restaurant" meeting the definition of a coffee shop at Section 2-190.3 of the Zoning Ordinance.

Staff has not received any complaints about the business since it opened last year.

Parking

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. Up to 20 outdoor dining seats at restaurants located within the Mount Vernon Urban Overlay zone are exempt from the ordinary parking requirement. The 30-seat restaurant is therefore required to provide eight off-street parking spaces for the use. The applicant satisfies this requirement through the provision of nine off-street parking spaces in the 16-space lot located immediately behind the building, which represents an increase of one space since prior SUP approval. The remaining seven spaces in the parking lot are available for future office tenants on the second floor of the building.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, an email with information about the request was sent to the Del Ray

Citizens' Association. Staff has not received any comments from the public regarding this request.

Staff Action

Staff supports the applicant's proposal, finding that the change of ownership is a reasonable request. The addition of outdoor dining in this location is a benefit that will enhance the walkability of and contribute to an active streetlife along this portion of Mount Vernon Avenue. Conditions of the prior SUP have been carried forward into this report with only minor changes to accommodate the outdoor dining seats. Staff has also added two new standard conditions regarding outdoor dining (Conditions #23 and #24).

Staff hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 8/22/2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2014-0072

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#2013-0062)

2. Any intensification of the restaurant beyond that of a "coffee/ice cream shop" as defined in the Zoning Ordinance shall require approval of a Special Use Permit amendment. (P&Z) (SUP#2013-0062)

3. **CONDITION AMENDED BY STAFF:** The hours of operation of the restaurant shall be limited to between 6 a.m. and 9 p.m. daily. For indoor seating, meals ordered before 9 p.m. may be sold, but no new patrons may be admitted after 9 p.m. and all patrons must leave by 10 p.m. The outdoor dining area shall be cleared of customers by 9 p.m. daily and washed at the close of each business day that it is in use. (P&Z) ~~(SUP#2013-0062)~~

4. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 30. The maximum number of outdoor seats at the restaurant shall be 18 and are permitted in addition to the indoor seats. ~~No outdoor dining shall be allowed at the restaurant until such time that the applicant obtains approval of a Special Use Permit amendment.~~ (P&Z) ~~(SUP#2013-0062)~~

5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2013-0062)

6. No alcohol sales shall be allowed at the restaurant. (P&Z) (SUP#2013-0062)

7. **CONDITION AMENDED BY STAFF:** No live entertainment shall be permitted at the restaurant, including in the outdoor dining area. (P&Z) ~~(SUP#2013-0062)~~

8. No delivery service shall be available from the restaurant. (P&Z) (SUP#2013-0062)

9. All exterior improvements, including signage, shall be consistent with the Mount Vernon Avenue Design Guidelines to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2013-0062)

10. 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. (P&Z) (SUP#2013-0062)

11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2013-0062)

12. 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) (T&ES) (SUP#2013-0062)

13. 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) (SUP#2013-0062)

14. 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) (SUP#2013-0062)

15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2013-0062)

16. 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) (SUP#2013-0062)

17. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (T&ES) (SUP#2013-0062)

18. 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) (SUP#2013-0062)

19. The applicant shall post a sign at the front of the building directing patrons to the location of off-street parking to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2013-0062)

20. 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) (SUP#2013-0062)

21. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2013-0062)

22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year from this 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) ~~(SUP#2013-0062)~~

23. **CONDITION AMENDED BY STAFF:** Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)

24. **CONDITION AMENDED BY STAFF:** Outdoor dining, including all its components such as planters, wait stations, and barriers shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 From Section 11-513(M) of the Zoning Ordinance:

(5) No live entertainment shall be permitted in the outdoor seating area.

R-2 From Section 11-513(C) of the Zoning Ordinance (carried forward from SUP2013-0062):

(2) 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.

(3) 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.

(5) The applicant shall require its employees who drive to work to use off-street parking.

(7) 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.

(9) 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.

(10) 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-3 From Section 11-513(L) of the Zoning Ordinance (carried forward from SUP2013-0062):

(10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

(11) 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.

(12) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

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 Enforcement:

F-1 No comment for request to add an outdoor dining area.

Health Department:

F-1 No comments received

Parks and Recreation

F-1 No comments received

Police Department

F-1 No comments received

Fire Department

C-1 Due to the change in ownership, a new fire prevention permit will be required for this occupancy condition – Assembly – if the total occupant load exceeds 49. This number includes patrons and staff.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0072. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant with outdoor dining at 2016 Mount Vernon Avenue.

Applicant - Signature

25 Aug 2014
Date

TANIA LEACH
Applicant – Printed

25 Aug 2014
Date