



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 #2022-00017
Approved by Planning and Zoning: May 5, 2022
Permission is hereby granted to: L2 Ohana Café LLC
to use the premises located at: 2466 Mandeville Lane
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.

May 5, 2022

Karl Moritz (by T. LaColla)

Date

Karl Moritz, Director
Department of Planning and Zoning

DATE: May 5, 2022

TO: Tony LaColla, Land Use Services Division Chief
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00017
Administrative Review for New Use
Site Use: Restaurant
Applicant: L2 Ohana Café LLC
Location: 2466 Mandeville Lane
Zone: CDD #2/Coordinated Development District #2

Request

Special Use Permit #2022-00017 is a request to operate an approximately 1,251 square foot restaurant, known as Bad Ass Coffee, at 2466 Mandeville Lane. The restaurant will offer dine-in and carry out service during the proposed operational hours of 7 a.m. to 6 p.m., Monday to Friday, and 7 a.m. to 5 p.m., Saturday and Sunday. The restaurant will offer eight indoor seats for patrons who wish to dine in. The applicant will serve approximately 200 to 225 customers per day with the business being staffed by four employees per shift. The applicant is not proposing to operate outdoor dining, offer alcohol sales, or provide applicant-operated delivery service.

Background

The business will be located in a newly constructed mixed-use development, called The Foundry, located in the City's Eisenhower East neighborhood. The development is permitted via City Council's approval of Development Special Use Permit #2019-00019 (The Foundry) in September 2019. Within the approved Development Special Use Permit conditions, Condition #18 stipulates that "*Restaurants shall be permitted with an Administrative Special Use Permit provided they comply with Section 11-513(C), (L), and (M) of the Zoning Ordinance*", thus, necessitating the current Special Use Permit request. The business will be the first commercial tenant to be located in a ground floor commercial tenant space located at 2466 Mandeville Lane.

Parking

Pursuant to Section 8-200 (A)(17)(b)(i) of the Zoning Ordinance, a restaurant use located outside of the City's Enhanced Transit Area is required to provide a minimum of 1.0 spaces per 1,000 square feet of gross floor area. The proposed restaurant contains 1,251 square feet of floor area. The applicant would be required to provide a minimum of two parking spaces for the proposed use. However, pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less are exempt from providing the spaces, meaning no parking is required to be provided for this use. Nonetheless, 246 parking spaces are available in the on-site parking garage for all retail and residential uses in the building.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. The subject address is not located within the boundaries of a civic association and, thus, did not require notice to be sent to one. Staff did not receive any comments or concerns regarding the application.

Staff Action

Staff supports the applicant’s request for a restaurant at this location. A restaurant at this location will help to contribute to the goal of emphasizing active commercial uses in the area, as articulated in the Eisenhower East Small Area Plan. In addition, the framework for a restaurant to operate at the subject, with approval of an Administrative Special Use Permit, has been set by The Foundry’s approved Development Special Use Permit.

In order to mitigate any potential issues resulting from the restaurant operations at the subject site, Staff has included standard Special Use Permit conditions for the operation a restaurant. Additionally, Conditions #5 and 25 were carried forward from Development Special Use Permit #2019-00019.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 5, 2022
Action: Approve


Tony LaColla, Land Use Services Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2022-00017

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. (P&Z)
2. All patrons must leave the premises one hour after the closing hour. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The maximum number of indoor and outdoor seats at the restaurant shall comply with the state building code. Outdoor seats shall not encroach into the public right-of-way. (P&Z)
5. The hours of operation for the restaurant shall be limited to between 7 a.m. and midnight, Sunday through Thursday, and between 7 a.m. and 1 a.m., Friday and Saturday. (P&Z)
6. 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. (P&Z)
7. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
8. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
9. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. 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 food service as well as the entertainment. (P&Z)
10. 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)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)

13. 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. (P&Z)
14. Trash and garbage shall be 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(T&ES)
15. 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. (P&Z)
16. The applicant shall control 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)
17. 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. (T&ES)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. The applicant shall require its employees who drive to use off-street parking. (T&ES)
20. 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. (T&ES)
21. 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. (T&ES)
22. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
23. 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. (T&ES)

24. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
25. Any exterior changes to the building shall only be approved with a minor site plan amendment. Exterior signage shall be approved with a separate sign permit. (P&Z)
26. 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 Trash and garbage shall be stored inside and 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. (T&ES)

- R-2 The applicant shall control odors, smoke and any other air pollutants 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)

- R-3 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. (T&ES)

- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

- R-5 No speakers on the outside walls are permitted. (T&ES)

- R-6 The applicant shall require its employees who drive to use off-street parking. (T&ES)

- R-7 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. (T&ES)

- R-8 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. (T&ES)

- R-9 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)

- R-10 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. (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 Building permit is required.

C-2 Need a key plan to show how the means of egress discharge to public way per VCC Sec. 1028.

Health Department:

C-1 Health comments sent to applicant directly.

Parks and Recreation:

No comments received

Police Department:

No comments received

Fire:

No comments or concerns

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00017. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2466 Mandeville Lane.



Applicant - Signature

5/9/22

Date

Richard Lee

Applicant - Printed

5/9/22

Date