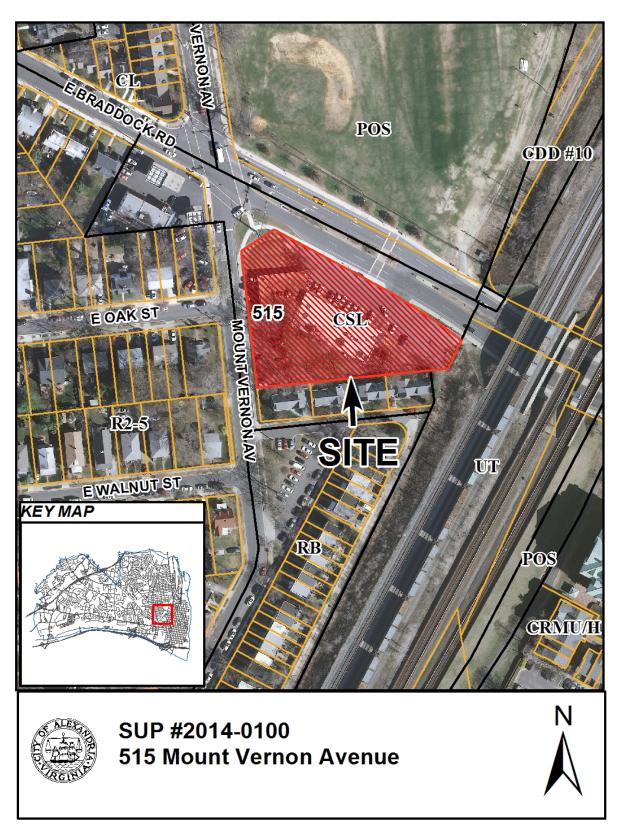


DOCKET ITEM #8 Special Use Permit #2014-0100 Encroachment #2014-0005 515 Mount Vernon Avenue

Application	General Data	
Public hearing and consideration of	<b>Planning Commission</b>	
Special Use Permit requests to	Hearing:	December 2, 2014
operate a restaurant with outdoor	City Council	
dining and for a parking reduction	Hearing:	December 13, 2014
and an Encroachment request to		
locate outdoor dining in the public		
right-of-way.		
Address:	Zone:	CSL/Commercial Service Low
515 Mount Vernon Avenue		
Applicant:	Small Area Plan:	Potomac West
Yates Restaurant Group LLC		
represented by Duncan Blair,		
attorney		

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report. **Staff Reviewers:** Nathan Randall <u>nathan.randall@alexandriava.gov</u>



### I. DISCUSSION

The applicant, Yates Holdings LLC, represented by Duncan Blair, attorney, requests Special Use Permit approval to operate a restaurant with outdoor dining and for a parking reduction and Encroachment approval to locate outdoor dining in the public right-of-way at 515 Mount Vernon Avenue.

### SITE DESCRIPTION

The subject site is one corner lot with 198 feet of frontage on Mount Vernon Avenue, 310 feet of frontage on East Braddock Road, and a total lot area of 44,480 square feet (1.02 acres). It is improved with two commercial structures, one at 421 East Braddock Road and the other at 515 Mount Vernon Avenue, that are known as the "Yates Corner" complex. A partially above-grade and partially below-grade parking structure exists between the two buildings and extends behind (to the south of) the 515 Mount Vernon Avenue building. A brick plaza exists immediately adjacent to 515 Mount Vernon Avenue at the corner of Mount Vernon Avenue and East Braddock Road. It is located partially on private property and partially on the public right-of-way.

The 421 East Braddock Road building is a one-story, 3,100 square-foot commercial structure with a 7-Eleven convenience store. The 515 Mount Vernon Avenue building, in which the proposed restaurant would be located, is a two-story, 16,700 square-foot commercial building with ground-level tenant space intended for retail, personal service and other active



commercial uses and second-level office space. Currently, the applicant operates a dry cleaning business in the southeastern-most tenant space on the ground-level of the building. The subject tenant space and the second-level office space are currently vacant.

The Yates Corner complex is surrounded by a mix of institutional, commercial, and residential uses. The Lenny Harris Memorial Fields at Braddock Park are located to the north. The Braddock Road Metrorail station and Metrorail tracks are located to the northeast and east, and the mixed-use Colecroft community is located east of the Metrorail tracks.

Residential townhouses on commercially-zoned land are located to the northwest. The applicant owns an automobile service station and repair business that is located to the west. Single-family dwellings are located to the south.

### BACKGROUND

Prior to completion of the Yates Corner project, the site existed as separate properties and included a City-owned parcel at the corner of Mount Vernon Avenue and East Braddock Road. For many years a small, one-story commercial building was located at the site. It was divided into several individual tenant spaces and included a 7-Eleven convenience store and a Subway restaurant. City Council granted Development Site Plan #2010-0023 to the applicant in June 2011 to construct the two existing buildings and parking structure, having previously approved the sale of the City-owned corner property to the applicant. City Council also approved Encroachment #2011-0002 in June 2011 to allow an ornamental wall, raised planters, and planting beds within the City right-of-way adjacent to the corner of Mount Vernon Avenue and East Braddock Road. The 421 East Braddock Road building was complete in December 2013 and the 515 Mount Vernon Avenue building was complete in approximately March 2014.

### PROPOSAL

The applicant proposes to operate a restaurant, serving wood-fired pizzas, hot sandwiches, other baked items, and salads in the northwestern ground-level tenant space at 515 Mount Vernon Avenue. On-premises alcohol would be offered, but no live entertainment or food deliveries to customers are proposed. The restaurant would occupy a total of approximately 4,700 square feet, including an upper-level mezzanine, and have a total of 150 seats. Seventy-four of the seats would be located indoors and 76 would be located outdoors. The outdoor seats would be offered in two locations: 1) in the plaza adjacent to the corner of Mount Vernon Avenue and East Braddock Road, and 2) on the sidewalk along East Braddock Road. A portion of the plaza outdoor dining area, involving approximately 15 seats, would be located on public right-of-way. This area of land, which is located behind the existing ornamental wall when viewed from the sidewalk, is the area of the requested encroachment. It is approximately half-circle in shape and has a total area of approximately 159 square feet.

The applicant recently explained to staff that it may lease the space to a separate restaurant entity as opposed to operating the business itself. Should such a change occur, it is standard practice that the new restaurant operator would need to request an Administrative Special Use Permit for a change of ownership in the future. Additional details of the applicant's proposal are as follows:

Hours:	11 a.m. – 11 p.m. Sunday -Wednesday 11 a.m. – 12 midnight Thursday - Saturday
Number of Seats:	74 indoor seats 76 outdoor seats <b>150 total seats</b>
Type of Service:	Table service, bar service, and carry-out

Delivery:	No delivery service of food to customers is proposed
Alcohol:	On-premises alcohol service only
Live Entertainment:	No live entertainment is proposed
Employees:	Average of 12-16 employees each shift
Noise/Odors:	No significant noises or offensive odors are anticipated
Trash/Litter:	Approximately eight bags of trash generated daily will be stored in a shared trash compactor in the basement and collected regularly. Staff will regularly monitor sidewalks for litter.

### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL / Commercial Service Low zone. Section 4-303(Y) of the Zoning Ordinance allows restaurants in the CSL zone only with a Special Use Permit if not eligible for Administrative SUP approval. Condition #23 of DSP#2011-0023 reiterates this Zoning Ordinance requirement. The proposal is not eligible for Administrative SUP approval given the parking reduction request and that the outdoor seating exceeds the threshold maximum of 20 seats. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

#### 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 proposed restaurant, with a total of 150 seats, is therefore required to provide a total of 38 off-street parking spaces. The applicant partially satisfies this requirement with the provision of 23 spaces at all times in the parking structure behind the building, which is the number of spaces available at the site once the parking requirements for the other uses at the Yates Corner complex are accounted for. The applicant has applied for a 15-space parking reduction to satisfy the balance of its requirement. One loading space is also provided on-site as approved in DSP#2011-0023.

### II. STAFF ANALYSIS

Staff supports the applicant's Special Use Permit and Encroachment requests. The proposed use is appropriate for this location and a restaurant has existed at the site in the recent past. The proposal would fill vacant tenant space intended for retail/active commercial uses and add to the dining options in the immediate area around Braddock Road Metro Station, which currently has only one other restaurant. The plan for outdoor dining seats would add a positive degree of activity around the site, particularly those seats planned on both private and public property near the prominent intersection of Mount Vernon Avenue and East Braddock Road.

### **Restaurant Use**

Although restaurants present some potential for neighborhood impacts as a general matter, and residences are located to the south and east of the site, staff believes the likelihood of impacts in connection with this use is low. The hours of operation for the indoor seating are reasonable. Although the closing hour proposed here is slightly later than the nearby Dos Amigos Restaurant, it is similar or identical to the nearby Starbucks in the Henry Condominium and Bastille in the Asher Condominium. The majority of the restaurants surveyed in the Del Ray neighborhood have a closing hour of at least 11 p.m. during the week and 12 midnight on weekends, like the current request.

Although staff ultimately views the inclusion of outdoor dining as a positive feature, it notes that the number of outdoor seats proposed here, at 76, is somewhat larger than typically seen at other restaurants. The larger number of seats coupled with the presence of residences across Mount Vernon Avenue presents some potential for noise impacts during late-night hours. Staff therefore recommends in Condition #5 that the closing hour for outdoor dining be one hour earlier each night than the closing hour for indoor dining. A similar limitation was approved for the outdoor dining at Bastille, and the majority of outdoor dining seats in Del Ray close at either 10 p.m. daily or 10 p.m. weeknights and 11 p.m. on Friday and Saturday. In an effort to prevent loitering and given the high number of outdoor seats, staff has also included condition language requiring the applicant to prevent the after-hours use of the outdoor dining tables and chairs (Condition #8). Condition #6 also requires the applicant to maintain a minimum continuous pedestrian clearance along the Mount Vernon Avenue sidewalk of five feet between outdoor dining furniture and the closest obstruction.

Although staff does not expect the wood-fired oven or other restaurant operations to create excessive odors or smoke, standard Condition #18 has been included to prevent nuisance odors. Condition #23 stipulates that loading and unloading activities, which are expected to occur either in the on-site loading space or elsewhere on the site, should not occur from vehicles parked on East Braddock Road. Prohibitions on live entertainment (Condition #11), food delivery service (Condition #10) and off-premises alcohol (Condition #9) have also been included in this report given that these features have not been requested for the use. Standard condition language has been included in this report to address a variety of additional matters, such as the litter and noise.

### **Parking Reduction**

Staff has also supports the applicant's parking scheme. Although technically requesting a 15space parking reduction, the applicant proposes to make available additional parking spaces in the on-site parking structure on nights and weekends when other uses at the 515 Mount Vernon Avenue building are closed. Practically speaking, the use would likely meet its full parking requirement at these times, which are likely to be peak hours for the restaurant. Such an arrangement is also consistent with staff's encouragement of shared parking arrangements. Furthermore, the applicant meets its parking requirement for indoor seating at all times, and a reduction of the parking requirement is reasonable for outdoor seating, which is largely seasonal. It is also important to note that the site is located in close walking distance to Braddock Road Metro Station and is well-served by public bus transportation. Condition #13 memorializes the applicant's intent to provide access to additional on-site parking spaces at night and on weekends. The condition also prevents the applicant from blocking access through the site or to the on-site parking spaces, which has occurred at Yates Corner in recent months.

### Encroachment

The current Encroachment request, which is necessary given that the 2011 Encroachment did not include approval for outdoor dining, is also acceptable with the inclusion of additional condition language. Allowing the 15 additional seats on City right-of-way would contribute to the success of the restaurant and would enhance the pedestrian experience at this prominent intersection. The area of encroachment is located behind the existing ornamental wall and is not located on, nor would it directly impinge on, pedestrian movement on sidewalks along Mount Vernon Avenue or East Braddock Road.

The seating would, however, block two public access points into the plaza and prevent public use of the small, City-owned portion of the larger plaza that is the subject of the Encroachment request. Staff believes that goal of having pedestrian access through the plaza, which appears to be well-used by commuters walking to and from Braddock Road Metro, should be maintained as envisioned in the 2011 Development Site Plan approval. As an alternative to the current access, staff recommends in Condition #6 that the applicant shall not obstruct pedestrian access through the south end of the plaza closest to the building wall and shall maintain a minimum and continuous pedestrian clearance of at least five feet through this area. Staff has also included standard condition language used in other Encroachments regarding the need to indemnify the City (Condition #26) and the stipulation that the City may reclaim use of the area in question for any reason with 60-day notice (Condition #28).

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit and Encroachment requests.

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

- 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 maximum number of indoor seats at the restaurant shall be 74. The maximum number of outdoor seats at the restaurant shall be 76. (P&Z)
- 3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
- 4. The hours of operation for the indoor portion of the restaurant shall be limited to between 11 a.m. and 11 p.m. Sunday Wednesday and between 11 a.m. and 12 midnight Thursday Saturday.

Meals ordered before 11 p.m. Sunday - Wednesday or 12 midnight Thursday - Saturday may be sold, but no alcoholic beverages may be served and no new restaurant patrons may be admitted after 11 p.m. Sunday - Wednesday or 12 midnight Thursday - Saturday and all patrons must leave by 12 midnight Sunday – Wednesday or 1 a.m. Thursday-Saturday. (P&Z)

- 5. The hours of operation for the outdoor seating shall be limited to between 11 a.m. and 10 p.m. Sunday Wednesday and between 11 a.m. and 11 p.m. Thursday Saturday. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. Sunday Wednesday and by 11 p.m. Thursday Saturday and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
- 6. Outdoor dining at the restaurant shall be substantially consistent with the plan submitted. The applicant shall maintain a minimum continuous pedestrian clearance of five feet along Mount Vernon Avenue to the satisfaction of the Director of Planning & Zoning. The applicant shall not block pedestrian access along the southeastern end of the plaza adjacent to the northwest building wall of 515 Mount Vernon Avenue and shall maintain at all times an Americans with Disabilities Act-compliant clearance of at least five feet between outdoor dining and the farthest projecting portion of the door when swung outward from the building, to the satisfaction of the Director of Planning & Zoning. (P&Z) (T&ES)
- 7. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
- 8. Each day after the restaurant closes, tables and chairs used for outdoor dining shall be either brought inside the restaurant or secured outside in such a manner to preclude their after-hours use to the satisfaction of the Director of Planning & Zoning. (P&Z)
- 9. On-premises alcohol service may be permitted but no off-premises alcohol sales shall be allowed. (P&Z)
- 10. No delivery of food to customers shall operate from the restaurant. (P&Z)
- 11. No live entertainment shall be allowed either inside the restaurant or in the outdoor dining area. (P&Z) (T&ES)
- 12. All signage at the site shall comply with Conditions #25 and #27-30 of DSP#2011-0023 and all other applicable codes and ordinances. (P&Z)
- 13. The applicant shall provide at least 15 on-site parking spaces for the restaurant use on evenings and weekends, in addition to the 23 on-site parking spaces available for the restaurant use at all times. Public access to these spaces and through the parking structure shall not be blocked at any time the restaurant is open to the public. (P&Z)

- 14. 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)
- 15. No food, beverages, or other material shall be stored outside. (P&Z)
- 16. 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)
- 17. Kitchen equipment including floor mats shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- 18. 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. (T&ES)
- 19. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- 20. 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)
- 21. 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)
- 22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)
- 23. The applicant shall not load or unload from vehicles parked along East Braddock Road. (T&ES)
- 24. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- 25. 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)

- 26. The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /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. (T&ES)
- 27. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- 28. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
- 29. The applicant shall ensure that the outdoor dining located on public right-of-way does not block egress pathways and does not block access to any Fire Department connections or Knox Boxes. (Fire)
- 30. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security assessment for the business and robbery readiness training for all employees. (P&Z)
- 31. The Director of Planning and Zoning shall review the Special Use Permit after the use 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)
- <u>STAFF:</u> Alex Dambach, Division Chief, Department of Planning and Zoning; Nathan Randall, Urban Planner.

<u>Staff Note:</u> 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.

### IV. CITY DEPARTMENT COMMENTS

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

#### Transportation & Environmental Services:

- R-1 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-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from 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 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-6 The applicant shall not load or unload along East Braddock Road. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-8 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)
- R-9 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)
- R-10 Provide an ADA compliant clear area for pedestrians to access and walk through the plaza. The area shall not be blocked at any time. (T&ES)
- R-11 The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /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. (T&ES)

- R-12 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- R-13 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (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 <u>commercialrecycling@alexandriava.gov</u>, 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)

### Code Enforcement:

F-1 No comments received

### Health:

### Food Facilities

- 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.
- 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.
- 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.
- 4. A Food Protection Manager shall be on-duty during all operating hours.
- 5. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

- 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.
- 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.

### Parks and Recreation:

F-1 No comments received

### Fire Department

- F-1 A fire prevention permit will be required if occupant load exceeds 50 total patrons and employees.
- F-2 Ensure encroachment does not block egress pathways.
- F-3 Ensure encroachment does not block access to any Fire Department connections or Knox Boxes.

### Police Department:

F-1 No comments received



### APPLICATION

### **SPECIAL USE PERMIT**

### **SPECIAL USE PERMIT #** 2014-0100

**PROPERTY LOCATION:** <u>515 Mt. Vernon Avenue, Alexandria, Virginia 22301</u>

TAX MAP R	EFERENCE:053.04-06-08	ZONE:	CSL
APPLICAN	Т:		
Name:	Yates Restaurant Group LLC		
Address:	401 East Braddock Road, Alexandria, Virginia 22301	<u>_</u>	
PROPOSE	DUSE:		

[X]**THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X]**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[X]**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X]**THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Duncan W. Blair, Esq	Į.	DIA (u ADAUA	Sept 23, 2014
Print Name of Applicant or	Agent	Signature	Date
524 King Street		703-836-1000	703-549-3335
Mailing/Street Address		Telephone #	Fax #
Alexandria, VA	22314	dblair@landcarroll.	.com
City and State	Zip Code	Email	laddress
ACTION-PLANNING	COMMISSION:	DATE	C:
ACTION-CITY COUN	ClL:	DATE	

SUP # 2014-0100

PROPERTY OWNER'S AUTHORIZATION		<del>.</del>
As the property owner of <u>Yates Corner, LLC</u>		_, I hereby
(Property Address)		
grant the applicant authorization to apply for the <u>Restaurant</u>		use as
(use)		
described in this application.		
Name: Yates Corner, LLC	Phone_703-548-6676	
Please Print		
Address: 401 East Braddock Road, Alexandria, VA 22301	Email:	
Signature: MACA ADAMA, WF	Date: Sept 23, 2014	
Soc Jason Yates	Date	

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

[X] Required floor plan and plot/site plan attached.

[] Requesting a waiver. See attached written request.

**2.** The applicant is the *(check one)*:

[ ] Owner
[ ] Contract Purchaser
[X] Lessee or
[ ] Other: \_\_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Yates Restaurant Group, LLC is a Virginia Limited Liability Company. The only member of the

company is Jason Yates, 401 East Braddock Road, Alexandria, Virginia 22301.

### OWNERSHIP AND DISCLOSURE STATEMENT Use additional sheets if necessary

<u>1. Applicant.</u> State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Jason Yates	401 E. Braddock Rd Alexandria, VA 23301	100%
2.		
3.		

<u>2. Property.</u> State the name, address and percent of ownership of any person or entity owning an interest in the property located at <u>515 Mt. Vernon Ave, Alexandria, VA 22301</u> (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Address	Percent of Ownership
401 E. Braddock Rd Alexandria, VA 23301	100%
	401 E. Braddock Rd

<u>3. BusinessorFinancialRelationships.</u> Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Jason Yates 2.	None	Alexandria Planning Commission and Alexandria City Council
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and conject of the best of my

Sept 23, 2014	Dunca
Date	Pr

n W. Blair rinted Name

Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[X] Yes. Provide proof of current City business license

[] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

### NARRATIVE DESCRIPTION

**3.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The proposed restaurant will be a locally owned and operated wood-fired pizza concept. Rather

than lease to a chain or franchise group, we want to build a restaurant that will both reflect and

appeal to the local community, and particularly to families with children. We are also excited by

the chance to activate this corner with outdoor dining, and to encourage foot traffic. Commuters

can pick up a meal on their way home from the metro. The location is also walkable from much

of Rosemont, southern Del Ray and for residents of western Old Town.

The menu will feature gourmet wood-fired pizzas, made to order in our display ovens, plus salads

other baked dishes, and hot sandwiches toasted in the wood-fired oven. A full children's menu will

also be served. Menu prices will be affordable, with individual pizzas in the \$8-\$12 range, and

lunch entrees running \$6-\$9. The physical design will be warm and comfortable, with natural

finishes, re-used materials where possible, and with high quality furnishings both indoor and out.

### **USE CHARACTERISTICS**

- 4. The proposed special use permit request is for (check one):
  - X a new use requiring a special use permit,
  - [] an expansion or change to an existing use without a special use permit,
  - [] an expansion or change to an existing use with a special use permit,
  - [] other. Please describe:\_\_\_\_
- 5. Please describe the capacity of the proposed use:
  - A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Anticipate an average of 150 total "covers" for lunch (11am - 4pm) and 250 for dinner

(4pm - 11pm).

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

There will be an average of twelve (12) employees working per lunch shift, and sixteen (16)

employees for the dinner shift.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:	Hours:	
Sunday - Wednesday	11:00 a.m 11:00 p.m.	
Thursday - Saturday	11:00 a.m 12:00 a.m.	

(Both meal periods are to be full service restaurant operations)

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No anticipated mechanical noises, outside of light music transmitted through speakers.

Noise from patrons to be derived from normal conversational volumes on the patio dining area.

B. How will the noise be controlled?

We intend to be a local, community restaurant with a very family friendly atmosphere. Management will not allow boisterous or loud patrons, and will maintain music volume at a rate that does not interfere with patron conversation and by default, does not carry out loudly in to the surrounding community.

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8. Describe any potential odors emanating from the proposed use and plans to control them:

It is not anticipated that offensive odors will emanate from the use of the property as a restaurant.

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

The type of trash and garbage generated by the restaurant will consist mainly of refuse from products

received and from general restaurant operations (product remnants).

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

The restaurant will generate approximately eight (8) 50 gallon bags per day.

C. How often will trash be collected?

Trash will be deposited in a trash compactor for the retail tenants located in the building basement.

The property management will establish a pick-up schedule based on actual usage and compactor capacity.

D. How will you prevent littering on the property, streets and nearby properties?

Litter is not an anticipated problem; however, the restaurant's staff will self-police the sidewalks

surrounding the restaurant.

**10.** Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[X] Yes. ] No.

If yes, provide the name, monthly quantity, and specific disposal method below: Small quantities of hazardous materials, generally recognized to be appropriate for use by restaurants

in the operation of the business, will be stored, used as solvents, and disposed of in accordance with

applicable regulations.

**11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[X] Yes. [] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Normal restaurant cleaning supplies and floor degreasers will be kept on site and utilized to ensure

cleanliness and sanitation of the facility.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

All local, state and federal workplace safety requirements will be strictly adhered to, as well as

internal managment controls to ensure that facilities remain in excellent repair, floors are kept

clean and dry, and regular maintenance of all cooking equipment and exhaust ducts is performed by licensed and insured professionals.

### **ALCOHOL SALES**

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

[X] Yes [] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

There will be on premise sales only, and will include beer, wine and spirits. The concept

will have an emphasis (and lends itself) to craft, draft beer, so we anticipate the majority of

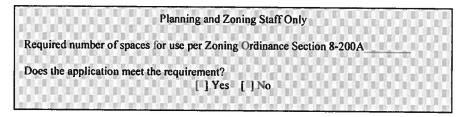
alcohol sales to be derived from beer.

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### **PARKING AND ACCESS REQUIREMENTS**

**14.** A. How many parking spaces of each type are provided for the proposed use:

\_\_\_\_ Other.



B. Where is required parking located? (check one)
[x] on-site In the seventy-seven (77) space surface lots for Yates Corner.
[] off-site

If the required parking will be located off-site, where will it be located?

Not Applicable.

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

[X] Parking reduction requested; see attached supplemental form

- **15.** Please provide information regarding loading and unloading facilities for the use:
  - A How many loading spaces are available for the use? One (1) per DSP #2010-0023

Planning and Zoning Staff Onl	y
Required number of loading spaces for use per Zoning Ordinance	e Section 8-200
Does the application meet the requirement?	
[]Yes []No	

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- Β. Where are off-street loading facilities located? Surface parking facility at rear of property, per DSP #2010-0023.
- С. During what hours of the day do you expect loading/unloading operations to occur?

8:00 a.m. - 11:00 a.m. and 2:00 p.m. - 4:00 p.m., with the majority of these occurring in the

morning.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Average of two (2) per day, Monday through Friday. Potentially one (1) on Saturday.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access to the property is adequate.

### **SITE CHARACTERISTICS**

Will the proposed uses be located in an existing building?	🕅 Yes	[] No
Do you propose to construct an addition to the building?	[] Yes	[X] No
How large will the addition be? $N/A$ square feet.		
What will the total area occupied by the proposed use be?	á.	
_4,731sq. ft. (existing) +sq. ft. (addition if any) =	<u>4,731 </u> sq. ft.	(total)
The proposed use is located in: <i>(check one)</i> [X] a stand alone building [] a house located in a residential zone [] a warehouse [] a shopping center. Please provide name of the center: [] an office building. Please provide name of the building: [] other. Please describe:		
	Do you propose to construct an addition to the building? How large will the addition be? <u>N/A</u> square feet. What will the total area occupied by the proposed use be? <u>4,731</u> sq. ft. (existing) + <u>0</u> sq. ft. (addition if any) = <u></u> The proposed use is located in: <i>(check one)</i> [X] a stand alone building [] a house located in a residential zone [] a warehouse [] a shopping center. Please provide name of the center: <u></u> [] an office building. Please provide name of the building: <u></u>	Do you propose to construct an addition to the building? [] Yes How large will the addition be? <u>N/A</u> square feet. What will the total area occupied by the proposed use be? <u>4,731</u> sq. ft. (existing) + <u>0</u> sq. ft. (addition if any) = <u>4,731</u> sq. ft. The proposed use is located in: <i>(check one)</i> [X] a stand alone building [] a house located in a residential zone [] a warehouse [] a shopping center. Please provide name of the center:

#### **End of Application**

SUP #	2014-0100	
Admin	Use Permit #	



# RESTAURANT

## All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1.	How many seats are proposed?
	Indoors: 74 Outdoors: 76 Total number proposed: 150
2	Will the restaurant offer any of the following?
	Alcoholic beverages (SUP only) Yes No
	Beer and wine on-premises
	Beer and wine — off-premisesYesNo
3	Please describe the type of food that will be served:
	Wood-fired pizzas, sandwiches, salads and pastas.
4.	The restaurant will offer the following service (check items that apply).
	table service delivery
5.	If delivery service is proposed, how many vehicles do you anticipate?
	Will delivery drivers use their own vehicles? Yes No
	Where will delivery vehicles be parked when not in use?
	Not Applicable
6.	Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
	If yes, please describe:
	The restaurant will have large screen TVs behind the bar and throughout the restaurant.
	o the second and the out and throughout the restaurant.



### **APPLICATION - SUPPLEMENTAL**

PARKING REDUCTION

### Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

**1. Describe the requested parking reduction.** (e.g. number of spaces, stacked parking, size, off-site location)

See attached.

2. Provide a statement of justification for the proposed parking reduction.

See attached.

**3. Why is it not feasible to provide the required parking?** See attached.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces? See Attached.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

### PARKING REDUCTION SUPPLEMENTAL APPLICATION

#### 1. Describe the requested parking reduction.

Yates Restaurant Group LLC, a Virginia limited liability company (the "Applicant"), has requested a special use permit to open a full service restaurant in the Yates Corner commercial building at 515 E. Braddock Road in the City of Alexandria. The restaurant will have One Hundred Fifty seats (150) of which Seventy-four (74) indoors and Seventy-six (76) outdoors. Yates Corner has a Seventy-seven (77) parking spaces parking facility. Additionally, there are Four (4) on street parking spaces on East Braddock Road that were created as part of the site plan approval for the Yates Corner. The required parking for the restaurant is Thirty-eight (38) parking spaces. Twenty-three (23) of the parking spaces are available on-site to satisfy the parking requirements of the restaurant. The Applicant is requesting a Fifteen (15) space parking reduction.

### 2. <u>Provide a statement of justification for the proposed parking reduction</u>.

It is anticipated that the restaurant will be a neighborhood serving restaurant. As such, it is anticipated that many patrons will walk to the restaurant. Additionally, the restaurant is located within One Thousand feet of the Braddock Road Metro station and it is anticipated that many patrons will come to the restaurant from the Metro Station either as a destination or as the travel on foot in the neighborhoods surrounding the restaurant. If the restaurant was on the other side of the railroad tracks and in the Braddock Road Metro Small Area Plan, in recognition of the proximity to the station the City Parking Policy for that area is to exempt the first Sixty (60) seats from having to provide parking (equates to 15 parking spaces).

The Yates Corner Seventy-seven (77) parking facility allows or shared evening and weekend parking of the spaces allocated to the second story office space Fourteen (14) parking spaces after close of business and the Four (4) parking spaces allocated to the dry cleaners after close of business and as well as those surface spaces allocated for the light automobile use Twenty-two (22) parking spaces. The after "close of business" shared parking substantially increases the number of onsite parking available during the restaurants peak demand. There are additional off-site shared parking opportunities after the "close of business" on adjacent commercial properties owned by the principal of the Applicant.

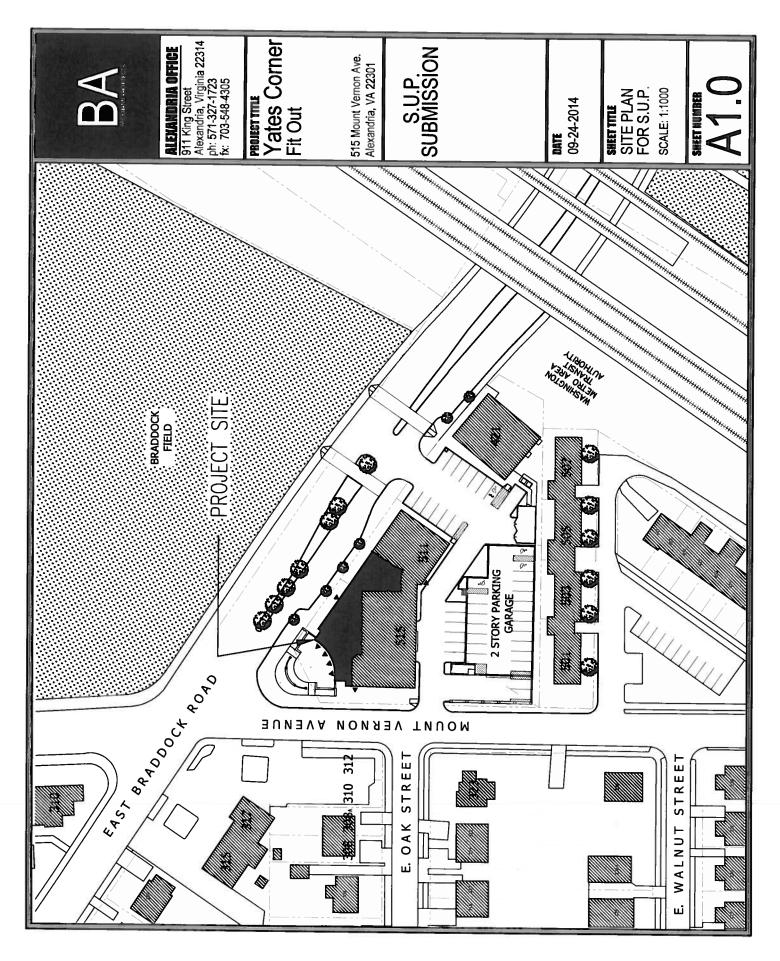
### 3. Why is it not feasible to provide the required parking?

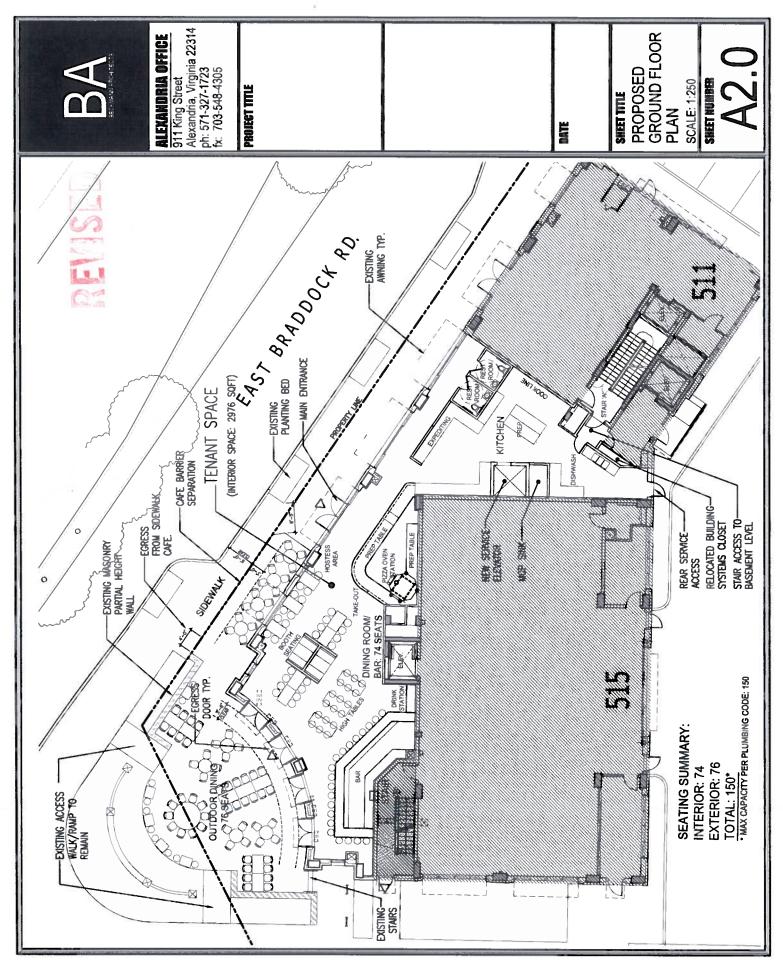
The Seventy-seven parking spaces were what were shown on the site plan approved by the Planning Commission (DSP 2010-0013). The conditions of that approval require that minimum of Seventy-four (74) parking spaces be provided. The size of the parking facility is consistent with what was approved and required by the site plan. Parking for the Yates Corner can't be increased due to the site constraints.

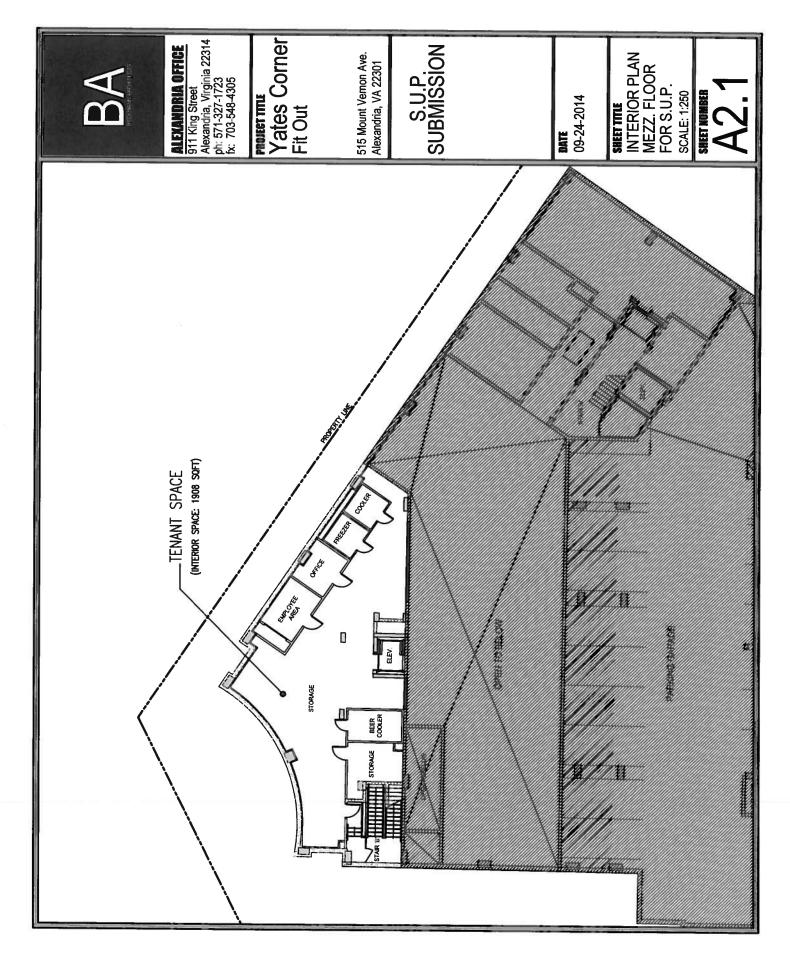
4. Will the proposed reduction reduce the number of available parking spaces below the number of existing spaces? No.

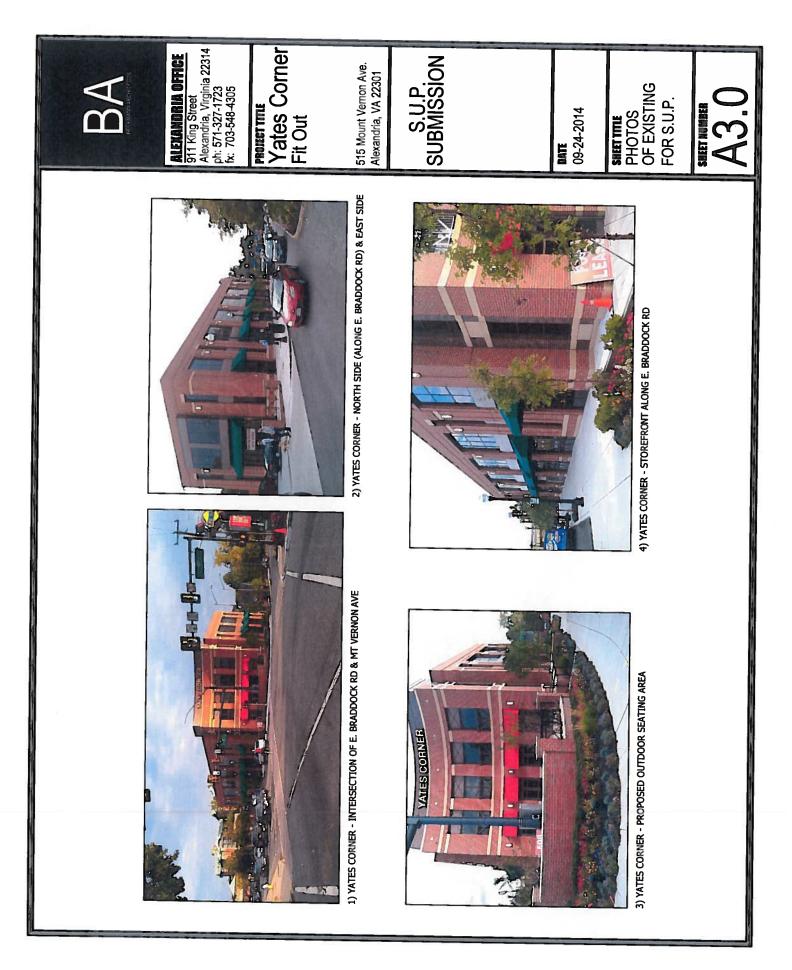
Parking Management Plan:

Patrons of the restaurant will be advised of the available on-site parking on the restaurants website, advertising and signage posted in the restaurant.











APPLICATION

ENCROACHMENT

ENC# 2014-0005

PROPERTY LOCATION	Public right of way adjacent to 515 A & B Mt. Vernon Avenue			
TAX MAP REFERENCE:	Adjacent to 053.04-06-08	ZONE:	CSL Commercial Service	e
APPLICANT			Low	
Name:	Yates Holdings, LLC			
Address:	515 East Braddock Road, Alexandria, Virginia 223	301		
PROPERTY OWNER				
Name:	City of Alexandria			
Address:	PO Box 178, Alexandria, Virginia 22313			
PROPOSED USE: Adoption of an encroachment ordinance to permit outdoor dining seats in a portion			eats in a portion of	
	he public right-of-way at the corner of Mt. Vernon Ave. ar			
1	to the permitted improvement allowed to encroach pursua	int to Ordi	nance 4775.	

INSURANCE CARRIER (copy attached) Utica National Insurance Group POLICY # CPP4054255

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

**THE UNDERSIGNED** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED Iso attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Duncan W. Blair, Esq.		11M MIN 10 DOT NO		
Print Name of Applicant or Ag	jent	Signature		
524 King Street		703-836-1000	703-549-3335	
Mailing/Street Address		Telephone #	Fax #	
Alexandria, Virginia 22314		dblair@landcarrol	il.com	
City and State Zip Code		Email address		
		November 3, 201	14	
		Date		
Application Received:		Date and Fee Paid: \$		
ACTION - PLANNING COMMISSION:		ACTION - CITY		

### OWNERSHIP AND DISCLOSURE STATEMENT Use additional sheets if necessary

<u>1. Applicant.</u> State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
Jason Yates		100%
2.		
3.		

2. <u>Property.</u> State the name, address and percent of ownership of any person or entity owning an interest in the property located at <u>515 A & B Mt. Vernon Ave.</u>, <u>Alexandria</u>, <u>VA 22301</u> (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
<sup>1.</sup> Jason Yates		100%
2.		
3.		

<u>3. Business or Financial Relationships.</u> Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by <u>Section 11-350 of the Zoning Ordinance</u>, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, <u>click here.</u>

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
<sup>1.</sup> Yates Corner, LLC	None	PC and CC
2.	0	
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability the information provided above is true and correct.

November 3, 2014	Duncan W. Blair
Date	Printed Name

Signature

