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	#2012-0066
Approved by Planning and Zoning:	October 16, 2012
Permission is hereby granted to:	Quetae Kim
to use the premises located at:	801 Bashford 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.

10/19/12
Date

Faroll Hamer by KLMN
Faroll Hamer, Director
Department of Planning and Zoning

DATE:	October 16, 2012
TO:	Barbara Ross, Deputy Director Department of Planning and Zoning
FROM:	Nathan Randall, Planner Department of Planning and Zoning
SUBJECT:	Special Use Permit #2012-0066 Administrative Review for Minor Amendment Site Use: Retail Market and Deli Applicant: Quetae Kim Location: 801 Bashford Lane Zone: RB/ Residential Townhouse

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Request

Special Use Permit #2012-0066 is a minor amendment request to increase the closing hour at an existing, non-conforming market, restaurant and dry cleaning business from 8:00pm to 9:00pm Monday through Saturday. No changes in Sunday hours, or any other operational changes, are proposed.

Background

The existing market and dry cleaning business (pick-up and drop-off only) has been in operation for decades. In 1989, City Council adopted an ordinance requiring nonconforming uses to cease operation or obtain Special Use Permit approval. In 1991, City Council approved SUP#2514 for the use and SUP#2514A for signage at the property. In 2002, City Council approved SUP#2002-0080 pursuant to Section 12-210(C) of the Zoning Ordinance to add a restaurant with 19 indoor and outdoor seats and a parking reduction at the existing market/dry cleaning business.

Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 19 seats would ordinarily be required to provide five off-street parking spaces. City Council granted a five-space parking reduction in 2002 and the applicant is not required to provide any off-street parking spaces.

Community Outreach

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

Staff Action

Staff does not object to the requested minor amendment to add one additional hour of operation in the evenings. The request is eligible for minor amendment approval pursuant to Section 11-511(A)(2)(b)(i)(a) of the Zoning Ordinance.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 10/16/2012

Action: Approved

Barbara Ross by KMW

Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2012-0066

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2514)

2. **CONDITION AMENDED BY STAFF:** ~~That~~ The hours of operation of the market, seating area, and dry cleaners shall be restricted to the following, as requested by the applicant. ~~(SUP #2514)~~ (P&Z)

	Hours	Days
Dry cleaners	7:00 a.m. to 7:00 p.m. 8:30 a.m. to 5:00 p.m.	Monday-Friday Saturday
Market and seating area	7:00 a.m. to ~~8:00 p.m.~~ 9:00 p.m. 7:00 a.m. to 7:00 p.m.	Monday-Saturday Sunday

3. This Special Use Permit shall be limited only to the operation of a grocery store with seating for patrons and dry cleaning pick-up and drop-off business. (P&Z) (SUP #2514)

4. No food, beverages or other materials shall be stored outside. (P&Z) (SUP #2514)

5. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (SUP #2514) (P&Z)

6. Condition deleted.

7. No more than 19 seats shall be provided at the market. (City Council)

8. Condition deleted. (City Council)

9. Food service shall be limited to the sales of coffee, sandwiches, baked goods, and similar items. (P&Z) (SUP#2002-0080)

10. No on-premise alcohol service shall be permitted. (P&Z) (SUP#2002-0080)

11. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2002-0080)

12. The applicant shall post the hours of operation of the market and restaurant at the entrance to the market. (P&Z) (SUP#2002-0080)

13. Only off-premise beer and wine may be permitted. Domestic beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Imported beer may be sold in single containers of less than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Domestic fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. The sale of imported port wine and sherry is not prohibited. (P&Z) (SUP#2002-0080)

14. 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. (P&Z)(T&ES) (SUP#2002-0080)

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#2002-0080)

16. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and~~ smoke and any other air pollutants from the operations at the site and ~~from the property to~~ prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) ~~(SUP2002-0080)~~

17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2002-0080)

18. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #17):** ~~No amplified sound shall be audible at the property line. (P&Z) (SUP#2002-0080)~~

19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police) (SUP#2002-0080)

20. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2002-0080)

21. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all Special Use Permit provisions and requirements as part of that training. (P&Z) (SUP#2002-0080)

22. **CONDITION DELETED BY STAFF (See Condition #27):** ~~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, (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#2002-0080)~~

23. **CONDITION ADDED BY STAFF:** No delivery service shall operate from the restaurant. (P&Z)

24. **CONDITION ADDED BY STAFF:** 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 and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)

25. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

26. **CONDITION ADDED BY STAFF:** The applicant shall 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)

27. **CONDITION ADDED 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 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:

C-1 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-2 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). (AUP2007-00003)

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)

Conditions Carried forward from SUP2002-00080:

14. 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. (P&Z/**T&ES**) (SUP2002-00080)

15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2002-00080)

16. **Condition Amended by Staff:** The applicant shall control cooking odors, ~~and~~ smoke **and any other air pollutants from the operations at the site and** ~~from the property to~~ prevent them from **leaving the property or** becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2002-00080)

17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2002-00080)

18. **Condition Deleted by Staff**: ~~No amplified sound shall be audible at the property line. (P&Z) (SUP2002-00080)~~

New Conditions:

1. 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 and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)

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

3. The applicant shall 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)

Code Enforcement:

F-1 No comment

Health Department:

F-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 or location to another.

F-2 Plans shall be submitted to the Health Department 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.

F-3 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling 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.

F-4 Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.

F-5 A Certified Food Manager shall be on-duty during all operating hours.

F-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

F-7 Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation:

F-1 No comments received

Police Department:

F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0066. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the retail market, dry cleaning business and restaurant at 801 Bashford Lane.

Applicant - Signature

10-25-12
Date

QUETAE KIM
Applicant – Printed

10-25-12
Date