

DATE: April 27, 2023

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

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

SUBJECT: Special Use Permit #2023-00031
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Sean Phan
Location: 500 John Carlyle Street
Zone: CDD #1 / Coordinated Development District #1

Request

Special Use Permit #2023-00031 is a request to change ownership of an existing 1,910 square foot restaurant from Jemyrock, Inc. by Sung Wook Cho to Sean Phan. The applicant will begin to operate the business under the name, Gin Ramen & Asian Tapas. The restaurant will specialize in lunch and dinner fare. No other changes are proposed.

Background

In 2001, staff administratively approved Development Special Use Permit #2001-00033 for the construction of the existing mixed-use building located at Block L of the Carlyle neighborhood. The original tenant in the commercial space located at 500 John Carlyle, Bruegger's Bagels, was first approved by City Council in March 2007 via their approval of Special Use Permit #2006-00124. In June 2010, staff administratively approved Special Use Permit #2010-00027 for a change of ownership from Bruegger's Bagels, Inc. to Pukhraj Kapoor. One year later, in June 2011, City Council approved off-premises alcohol sales for the restaurant via their approval of Special Use Permit #2011-00018. In April 2014, staff administratively approved Special Use Permit #2014-00028 to change ownership of the business to the current applicant, Jemyrock Inc, by Sung Wook Cho. Most recently, in October 2014, staff administratively approved Special Use Permit #2014-00092 to permit the business to sell off-premises alcohol.

Parking

The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254) for the Carlyle development. The applicant has the option to lease parking for employees in the on-site garage, where they have secured three of street spaces for to be used by employees. Public parking is available in the Patent & Trademark Office parking garage across John Carlyle Street during limited hours.

Community Outreach

Public notice was provided through the City's eNews, via the City's website, and by posting a placard at the site. The subject site is not located within the bounds of any civic association and,

therefore, no civic association was specifically contact regarding the request. Staff has received no public comments regarding the request.

Staff Action

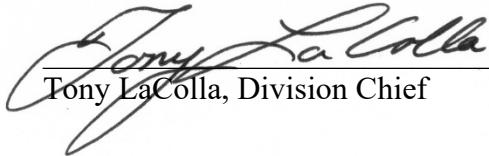
Staff does not object to the request for a change of ownership for the restaurant as one has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood.

However, several Special Use Permit conditions have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #2, #5, #9, #10, #12, #14, #18, #19, #20, and #24. This also includes the addition of new Conditions #28, #29, #30, #31, #32, #33, #34, #35, and #36. Finally, this also includes the deletion of Condition #7 regarding prescribed hours of operation, as the City no longer requires such prescriptive hours in Special Use Permit approvals for restaurants.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 27, 2023
Action: Approved


Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2023-00031

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP2006-00124)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor ~~Seating~~ shall comply with the state building code ~~be provided for no more than 68 patrons inside and outside.~~ (P&Z) (SUP#2006-00124)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z) (SUP2006-00124)
4. **CONDITION AMENDED BY STAFF:** The applicant may provide seating for up to 20 outdoor seats. Any outdoor seating areas, including umbrellas, shall not include ~~advertising~~ signage (P&Z) (SUP2006-00124)
5. **CONDITION AMENDED BY STAFF:** ~~No~~ 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 be provided at 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) (SUP2006-00124)
6. Delivery service shall be permitted to customers in the immediate area. (P&Z)(PC) (SUP2006-00124)
7. **CONDITION DELETED BY STAFF:** ~~The hours of operation shall be limited to between 6:00am and 9:00pm daily.~~ (P&Z) (SUP2011-00018)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP2006-00124)
9. **CONDITION AMENDED BY STAFF:** ~~On-premises and off-premises alcohol sales may are be permitted in compliance with Virginia ABC requirements. Beer or wine coolers may be sold only in 4 packs, 6 packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.~~ (P&Z) (Police) (SUP2014-00028)
10. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2006-00124)

11. 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) (SUP2006-00124)
12. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be ~~placed~~ stored inside or 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, or leaking. No trash and debris shall be allowed to accumulate on-site 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) (SUP2006-00124)
13. CONDITION DELETED BY STAFF (SUP2010-00027)
14. **CONDITION AMENDED BY STAFF:** 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) (SUP2006-00124)
15. 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) (SUP2006-00124)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)(P&Z) (SUP2006-00124)
17. CONDITION DELETED BY STAFF (SUP2014-00028)
18. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees.~~ (Police) (P&Z) (SUP#2014-0028)
19. **CONDITION AMENDED BY STAFF:** 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)(P&Z) (SUP2006-00124)
20. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP2006-00124)
21. CONDITION DELETED BY STAFF (SUP2010-00027)

22. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of Planning and Zoning. (P&Z) (SUP#2006-0124)
23. The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements: (P&Z) (SUP#2006-0124)
 - a. No lighted signage in the windows is permitted.
 - b. Lighting fixtures in the dining area and the serving area shall not contain fluorescent bulbs, tubes, or other fluorescent lighting elements.
 - c. Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.
 - d. Flooring within the dining area shall be ceramic tile.
 - e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
 - f. Interior doors leading to or from the dining area shall be constructed of paneled wood.
 - g. Decorative wood interior trim shall include moldings and other detail, such as rosettes.
 - h. Menu boards, if any, shall not be backlighted or have any internal lighting.
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as 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) (~~SUP#2014-0028~~)
25. ~~CONDITION DELETED BY STAFF - SUPERSEDED BY STATE LAW (SUP#2010-0027)~~
26. Supply deliveries, loading and unloading activities shall occur between the hours of 7a.m. - 7p.m. (City Council) (SUP2011-00018)
27. The applicant shall remove all tables and chairs from the outdoor dining area at the close of business each night and store them inside the building while the restaurant is closed. (PC) (SUP2011-00018)
28. **CONDITION ADDED BY STAFF:** All patrons must leave the premises one hour after the closing hour. (P&Z)

29. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
30. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
31. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
32. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
33. **CONDITION ADDED BY STAFF:** 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)
34. **CONDITION ADDED BY STAFF:** 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)
35. **CONDITION ADDED BY STAFF:** 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)
36. **CONDITION ADDED BY STAFF:** 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00031. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 500 John Carlyle Street.

Sean Phan

Applicant - Signature

05-01-2023

Date

Sean Phan

Applicant – Printed

05-01-2023

Date