DATE: September 20, 2019

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

FROM: Max Ewart, Planner I, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0071
Administrative Review for Special Use Permit for a Change of Ownership

Site Use:	Restaurant
Applicant:	Hinata Japanese Restaurant
Location:	909 North Saint Asaph Street
Zone:	CDD #25 – ABC-Giant / Old Town North

Request

Special Use Permit (SUP) #2019-0071 is an administrative request to change the ownership of a new tenant space that will be used as a restaurant from Giant Alexandria E & A, LLC to Hinata Japanese Restaurant. The business will operate under the name, Hinata Japanese restaurant. The applicant is not proposing any changes to the conditions outlined in the umbrella SUP #2016-0001. The hours of operation shall be between 11:30 a.m. and 9:30 p.m., with a break where the restaurant would close from 2:30 – 5 p.m., Monday – Saturday and from 4 – 9 p.m. on Sundays.

There shall be 61 indoor seats and the restaurant would sell on-premises beer and wine. No delivery or live entertainment is proposed.

Background

In 2016, City Council approved SUP #2016-0001, granting an umbrella SUP for specific commercial uses, including restaurants. The SUP was also part of City Council approval of DSUP #2015-0019 for the construction of a mixed-use building that includes a 481-space underground parking garage and tenant space for commercial uses, such as those outlined in SUP #2016-0001. The SUP outlined conditions for specific uses within the building. Special Use Permit changes of ownership from the building owner to individual business applicants were authorized through SUP #2016-0001. This SUP application is the first to occupy this tenant space.

Parking

The parking for all commercial uses in the development have been accounted for in the 481-space, underground garage that covers the entire block. The garage is designed to provide separate parking for the uses in the building with the more convenient parking on the first level available for the commercial uses.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Northeast Citizens Association, North Old Town Independent Citizens

Association and Old Town North Community Partnership received notification of the SUP request. Staff has not received any comments or concerns related to the request.

Staff Action

Staff finds the change of ownership request to be reasonable given that a restaurant is permitted under the umbrella SUP conditions for the new mixed-use building at the site. The restaurant operating as Hinata Japanese Restaurant will provide convenient access for the building's residential tenants as well as the residents and office employees in the Old Town North neighborhood.

The conditions from umbrella SUP #2016-0001 for general commercial uses have been carried forward. Conditions #9 and #19, referencing the former parking program, Local Motion, have been deleted and replaced with Conditions #29 and #30, respectively, which address the current Go Alex parking program.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: September 20, 2019
Action: Approved

Tony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0071

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. At no time shall the aggregate parking requirement, consistent with Zoning Ordinance parking requirements, for all commercial uses at the site exceed 324 spaces unless the applicant provides additional off-street parking spaces or receives separate Special Use Permit approval for a parking reduction exceeding the 85-space parking reduction requested as part of DSUP #2015-0019. (P&Z) (SUP #2016-0001)

2. All commercial entrances along the commercial frontages of the building shall be required to be operable entrances. This requirement shall be included as part of the lease for each tenant. (P&Z) (SUP #2016-0001)

3. The placement or construction of items that block the visibility of the interior of the store from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. This requirement shall be included as part of the lease for each tenant. (P&Z) (SUP #2016-0001)

4. Individual tenant signage shall be consistent with all conditions of the Coordinated Sign Program SUP (SUP #2015-0115) for this site. (P&Z) (SUP #2016-0001)

5. The applicant shall control cooking odors, smoke and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES) (SUP #2016-0001)

6. The use of loudspeakers or musicians outside is prohibited, unless otherwise approved through a noise variance permit. (P&Z) (SUP #2016-0001)

7. The applicant will encourage patrons to utilize off-street parking options through the provision of information about the on-site garage on business websites. (T&ES) (SUP #2016-0001)

8. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2016-0001)

9. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #29:** ~~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 Local Motion at 703-746-4686 or www.alexandriava.gov/localmostion for more information about available resources. (T&ES) (SUP #2016-0001)~~

10. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP #2016-0001)

11. **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 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 #2016-0001)~~

12. The Special Use Permit shall be granted to the applicant only or to any corporation which the applicant has a controlling interest. (P&Z) (SUP #2016-0001)

13. **CONDITION DELETED BY STAFF:** ~~This umbrella Special Use Permit shall be separated into discrete Special Use Permits for each tenant. Each tenant shall be subject to these approved conditions (or as may be amended in the future). (P&Z) (SUP #2016-0001)~~

14. The applicant shall post the hours of operation at the entrance of each business. (P&Z) (SUP #2016-0001)

15. 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, as applicable, on how to prevent underage sales of alcohol. (P&Z) (SUP #2016-0001)

16. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2016-0001)

17. 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) (SUP #2016-0001)

18. 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) (SUP #2016-0001)

19. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #30:** ~~The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of discrete SUP approval, the business shall contact local motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES) (SUP #2016-0001)~~

20. 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 and regulations. (P&Z) (SUP #2016-0001)

21. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-1920 regarding a security survey for the business and robbery readiness training for all employees. (Police) (SUP #2016-0001)

22. The hours of operation for indoor seats shall be limited to between 6 a.m. and midnight Sunday-Thursday and 6 a.m. to 1 a.m. Friday and Saturday. For indoor seating, meals ordered before 12:00 midnight Sunday-Thursday or 1 a.m. Friday and Saturday may be sold, but no new patrons may be admitted, and no alcoholic beverages may be served after 12:00 midnight Sunday-Thursday or 1 a.m. Friday and Saturday and all patrons must leave by 1 a.m. Sunday-Thursday or 2 a.m. Friday and Saturday. (P&Z)

23. The hours of operation for any outdoor dining areas shall be limited to between 7 a.m. to 11 p.m., daily. The outdoor dining area shall be cleared of all diners by 11 p.m. and shall be cleaned and washed at the close of each business day that it is in use. The outdoor dining area shall not include advertising signage, including on umbrellas. (P&Z)

24. The maximum number of restaurant seats permitted for this development shall be 841 seats, unless additional parking, per the Zoning Ordinance requirements, is provided for any increase in seats above this number, within the garage or in an off-site location approved by the Director of T&ES. Off-site parking provided to satisfy this requirement shall be secured prior to the opening of the restaurant. (P&Z)

25. Live entertainment shall be limited to the indoor seating area to provide ambient/background music for patrons and should be subordinate to the restaurant use. Noise levels shall not exceed 60 decibels measured at the property line per the Alexandria City Code. (P&Z)

26. Food delivery service to customers may be allowed from the restaurant(s) subject to the review and approval of the Director of Planning & Zoning and subject to the following minimum standards:
    a. One dedicated off-street parking space shall be available for each delivery vehicle operating at any one time from the restaurant; and
    b. The delivery vehicle parking shall not cause the commercial uses at the site to exceed the 85-space parking reduction approved in DSUP #2015-0019; and
    c. Delivery vehicles shall not park on-street at any time they are located in the vicinity of the restaurant (P&Z)

27. On and off premises alcohol service may be permitted. Beer or wine coolers may be sold in at least 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold 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)

28. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (P&Z)

29. **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. (P&Z)

30. **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. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0071. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 909 North Saint Asaph Street.

Applicant – Signature

9/27/2019
Date

Helen Kwon
Applicant – Printed

9/27/2019
Date

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	#2019-0071
Approved by Planning and Zoning:	September 20, 2019
Permission is hereby granted to:	Hinata Japanese Restaurant
to use the premises located at:	909 North Saint Asaph St.
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.

9/20/2019
Date

Karl Moritz (by DZ)
Karl Moritz, Director
Department of Planning and Zoning