

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 #2018-0012

Approved by Planning and Zoning: March 16, 2018

Permission is hereby granted to: PT Ole, LLC

to use the premises located at: 540 John Carlyle Street

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.

March 16, 2018

Date

K. Moritz by [Signature]

Karl Moritz, Director
Department of Planning and Zoning

DATE: March 16, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services
Department of Planning and Zoning

FROM: Femi Adedakun, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0012
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Applicant: PT Ole, LLC
Location: 540 John Carlyle Street
Zone: CDD#1 / Coordinated Development District #1

Request

Special Use Permit #2018-0012 is a request to change ownership of an existing restaurant from Jin M. Oh to PT Ole, LLC. The applicant will operate a restaurant, to be called Tequila and Taco, and would maintain the current 100 indoor and 25 outdoor seats. The applicant proposes a change in the current operation hours approved through SUP #2011-0065 by extending the operation hours from the currently approved closing time of 9:30 p.m. on Sunday through Thursday and 10:30 p.m. on Friday and Saturday to 11 p.m. Sunday through Thursday and 12 midnight on Friday and Saturday.

Background

The tenant space is currently located in the building, known as Carlyle Block L which was administratively approved for construction in 2001 through DSP#2001-0033. A previous restaurant at the site, known as Zikrayet, was first approved administratively by staff in 2007 pursuant to Condition #102A of the Carlyle Master Plan amendment, which allows full service restaurants to be approved administratively subject to specific standards. Subsequently, the applicant applied for an SUP amendment to allow live entertainment and extend the hours of operation, which was approved by City Council in January 2008 (SUP#2007-0114). The most recent approval for this tenant space was the change of ownership request for a restaurant called Sushi Naru which was approved through SUP#2011-0065.

Staff has in the past received complaints from surrounding residents about the Zikrayet restaurant having loud music and other noises late at night under old ownership and operating under the conditions of SUP#2007-0114. Changes have since been made to address these concerns through SUP#2011-0065 which restricts the closing hours and prohibits live entertainment inside the restaurant or in the outdoor seating area. No comments about negative impacts have been received since.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Old Town Civic Association and Rosemont Citizens Association were sent written notifications of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff supports the change of ownership request, noting that the proposed restaurant improves the balance in the diversity of uses along John Carlyle Street. The proposal presents an opportunity to replace a currently vacant tenant space with a use that maintains the mix of uses and improves the diversity of dining options in Carlyle.

Staff believes that the minor amendment extending the hours of operation from the currently approved closing hours to the proposed closing hours of 11 p.m. Sunday through Thursday and 12 midnight, Fridays and Saturdays is reasonable and consistent with other restaurants in the neighborhood.

Staff has carried over conditions from SUP#2011-0065. Conditions # 12, 14, 17, and 24 have been updated to reflect current condition language. Staff has updated Conditions #6 (operation hours) to reflect the minor amendment to the hours of operation approved through SUP#2011-0065. Staff has also added Condition #37 (window coverage) that reflects current standards for SUPs in pedestrian oriented areas. Finally, staff has deleted Conditions #10 (employee transportation) and replaced it with condition #38 to reflect current condition language.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 16, 2018

Action: Approved



Mary Christesen, Acting Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2018-0012

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 corporation in which the applicant has a controlling interest. (P&Z) (SUP#2007-0114)
2. 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) (SUP#2007-0114)
3. Condition deleted (SUP#2011-0065)
4. The maximum number of indoor seats at the restaurant shall be 100 and the maximum number of outdoor seats at the restaurant shall be 25. (P&Z) (SUP 2011-0065)
5. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z) (SUP#2007-0114)
6. **CONDITION AMENDED BY STAFF:** The maximum hours of operation for the restaurant shall be between 11:00am and 9:30pm 11 p.m., Sunday through Thursday and between 11:00am and 10:30pm 12 a.m., Friday and Saturday. (P&Z) (SUP-2011-0065)
7. 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#2007-0114)
8. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z) (SUP#2007-0114)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2007-0114)
10. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #38:** ~~The applicant shall provide its employees who drive 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. (P&Z) (T&ES) (SUP#2007-0114)~~

11. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP 2011-0065)
12. For indoor patrons, meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP 2011-0065)
13. The applicant shall provide a menu list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2007-0114)
14. Condition deleted (SUP#2011-0065)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP 2011-0065)
16. **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) (SUP#2007-0114) (P&Z)
17. **CONDITION AMENDED BY STAFF:** 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 and Environmental Services. (T&ES) (SUP#2007-0114) (P&Z)
18. Condition deleted (SUP#2011-0065)
19. All patrons shall be seated by a host or hostess, printed menus shall be provided at the tables, service shall be provided at the tables by a waiter or waitress, and tables shall be preset with non-disposable tableware and glassware. (P&Z)

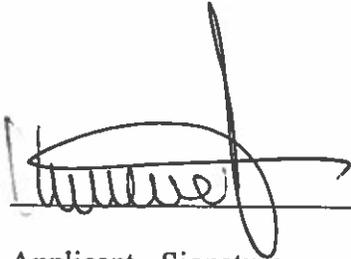
(SUP#2007-0114)

20. Supply deliveries to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. Deliveries to restaurants within residential buildings or whose service drive adjoins a residential building shall not take place before 7:00 a.m. or after 10:00 p.m. (P&Z) (T&ES) (SUP 2011-0065)
21. If any food delivery services are provided, they shall clearly be accessory to dine-in food sales, and all deliveries shall be non-vehicular (made on foot, via bicycle, etc.). Alcoholic beverages shall not be delivered off-site, and delivery of nonalcoholic beverages shall only be in association with food deliveries. (P&Z) (SUP#2007-0114)
22. Alcoholic beverages may be sold for on-premises consumption only, and shall clearly be accessory to food sales. (P&Z) (SUP#2007-0114)
23. Grease traps shall be located within the building. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (P&Z) (T&ES) (SUP#2007-0114)
24. 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) (~~SUP#2007-0114~~)
25. CONDITION AMENDED BY STAFF: 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 containers, which does do not allow invasions by animals. No trash or debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (~~SUP#2007-0114~~)
26. The design of the restaurant shall reflect the character and quality of materials consistent with the high standards established in Carlyle. (P&Z) (SUP#2007-0114)
27. Condition deleted (SUP#2011-0065)
28. An unobstructed pedestrian pathway with a minimum width of 8 feet, including as measured to the back of the ADA ramp, shall be provided along the sidewalk in front of the restaurant at all times. (P&Z) (T&ES) (SUP 2011-0065)
29. Condition deleted (SUP#2011-0065)
30. No live entertainment shall be permitted inside the restaurant or in the outdoor seating area. (P&Z) (T&ES) (SUP 2011-0065)

31. No sound amplification shall be permitted in the outdoor seating area. No sound amplification louder than soft background music to the satisfaction of the Director of Planning and Zoning shall be permitted inside the restaurant. (P&Z) (SUP 2011-0065)
32. Any outdoor seating areas shall not include advertising signage. The design of the outdoor seating shall be compatible with the design of the building. (P&Z) (SUP#2007-0114)
33. Condition deleted (SUP#2011-0065)
34. The outside dining area shall be cleaned at the close of each day of operation. (P&Z) (T&ES) (SUP#2007-0114)
35. The applicant shall contact the Community Relations Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees. (P&Z) (SUP 2011-0065)
36. Any barrier associated with the outdoor seating (whether sectional fencing or rail-type) must be freestanding, without any permanent or temporary attachments to buildings, sidewalks or other infrastructure. (P&Z) (T&ES) (SUP 2011-0065)
37. **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)**
38. **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)**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 540 John Carlyle Street.



Applicant - Signature

3-27-18
Date

MICHAEL ANDERSON
Applicant - Printed

3-27-18
Date