

DATE: October 2, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0092
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Jemyrock, Inc. by Sung Wook Cho
Location: 500 John Carlyle Street
Zone: CDD#1 / Coordinated Development District #1

Request

Special Use Permit #2014-0092 is a request to add on-premises alcohol an existing restaurant on the ground level of the mixed-use Carlyle Square Condominium (also known as Carlyle Block L). No other changes to the operation are proposed. The applicant plans to continue serving Italian cuisine, packaged gourmet food items, and off-premises alcohol under the trade name of Italian Gourmet Deli and Market.

Background

The Carlyle Master Plan was approved by SUP in 1990 and has been subsequently amended several times. In 2001, staff administratively approved DSUP#2001-0033 for construction of the mixed-use building at Block L. The original tenant in this space, Bruegger's bagel restaurant, was first approved by City Council in 2007 and closed in June 2009. In June 2010, staff administratively approved a change of ownership to Pukhraj Kapoor, and one year later City Council approved off-premises alcohol sales for the space (SUP#2011-0028). Most recently, staff administratively approved SUP#2014-0028 in April 2014 to change ownership of the business to the current applicant.

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. 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 eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle Community Council, Royalton at the King Street Metro, and Carlyle Towers Condominium Associations were sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

Staff Action

Staff does not object to the proposal to add on-premises alcohol service, which is a common feature at restaurant throughout Alexandria. The request is eligible for minor amendment approval consistent with Section 11-511(A)(2)(b)(ii) of the Zoning Ordinance. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 10/2/2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2014-0092

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) (SUP#2006-0124)
2. Seating shall be provided for no more than 68 patrons inside and outside. (P&Z) (SUP#2006-0124)
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) (SUP#2006-0124)
4. The applicant may provide seating for up to 20 outdoor seats. Any outdoor seating areas, including umbrellas, shall not include advertising signage (P&Z) (SUP#2006-0124)
5. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2006-0124)
6. Delivery service shall be permitted to customers in the immediate area. (P&Z)(PC) (SUP#2006-0124)
7. The hours of operation shall be limited to between 6:00am and 9:00pm daily. (P&Z) (SUP#2011-0018)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2006-0124)
9. **CONDITION AMENDED BY STAFF:** On-premises and off-premises alcohol ~~service shall sales may~~ be permitted ~~but no on-premises alcohol shall be allowed~~. 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) (SUP#2014-0028)
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2006-0124)
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) (SUP#2006-0124)
12. 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. (P&Z) (SUP#2006-0124)
13. CONDITION DELETED BY STAFF (SUP#2010-0027)
 14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2006-0124)
 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) (SUP#2006-0124)
 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) (SUP#2006-0124)
 17. CONDITION DELETED BY STAFF (SUP#2014-0028)
 18. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations 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. 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) (SUP#2006-0124)
 20. 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. (P&Z) (SUP#2006-0124)
 21. CONDITION DELETED BY STAFF (SUP#2010-0027)
 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 backlit 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) (SUP#2011-0018)
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) (SUP#2011-0018)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

F-1 No comments received

Code Administration

F-1 No comments received

Health

- C-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.
- C-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.
- C-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.
- C-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.
- C-5 A Certified Food Manager shall be on-duty during all operating hours.
- C-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-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.

Fire Department

C-1 Due to a recent ownership change, a new fire prevention permit will be required for this occupancy condition – Assembly.

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 #2014-0092. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 500 John Carlyle Street.

Applicant - Signature

Date

Applicant – Printed

Date