DATE: July 28, 2016

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

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0044
Administrative Review for Change of Ownership

Site Use:	Restaurant
Applicant:	My Kieu Huynh
Location:	682 N. Saint Asaph Street (Parcel Address: 615 North Washington Street)
Zone:	CRMU/X: Commercial Residential Mixed Use (Old Town North) Zone

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Request

Special Use Permit #2016-0044 is a request to change ownership of a restaurant, formerly known as Teaism, from Vitaltea, LLC to My Kieu Huynh. No changes to the operation are proposed and the applicant proposes to continue operating a restaurant of approximately 4,700 square feet with dine-in, delivery, and carry-out options. A single delivery vehicle would be used to deliver food. The applicant does not propose any live entertainment and would offer on-premises alcohol sales to include mixed drinks, beer, and wine. The applicant plans to maintain the following seating and hours:

	Seats	Hours
Indoors	157 Seats	7:30 a.m. – 11 p.m., Sunday – Thursday 7:30 a.m. – 12 a.m., Midnight, Friday- Saturday
Outdoors	40 Seats	7:30 a.m. – 10 p.m., daily
Total Seats	**197 Seats**	

Background

In October, 1998 City Council approved DSUP#98-0003 for the construction of the Saul Center, a commercial development consisting of two, multi-story office buildings with ground level retail and shared parking. In September 2000, City Council approved SUP #2000-0097 to allow a 107 seat restaurant, known as Sizzling Express, to open at the subject site. Subsequently, in May 2002 City Council approved SUP #2002-0018 to allow an increase in the number of seats to 131 restaurant seats. In March 2008, staff administratively approved SUP #2008-0008 for a change of ownership for the restaurant use. However by March 2009 the restaurant, known as Sizzling Express, closed. The subject site remained vacant until City Council approved SUP #2011-0043 in September

2011 to allow a 197 seat restaurant, known as Teaism, to open. City Council simultaneously approved a 13 space parking reduction for the restaurant use. The restaurant known as Teaism was in operation until April 2016 when it closed. As the current applicant is requesting a change of ownership within two years of the previous restaurant's closing, Section 11-506(B) indicates that the previous SUP, SUP #2011-0043 is valid and can be transferred through a change of ownership to the current applicant.

Parking

Section 8-200(A) (8) of the zoning ordinance requires restaurants to provide one off-street parking space for each four restaurant seats. However Section 11-513(M) (3) of the Zoning Ordinance also waives the parking requirement for the first 20 outdoor dining seats. Therefore the applicant's 157 indoor seats and 40 outdoor seats would be required to provide 45 off-street parking spaces. In addition the applicant would be required to provide one off-street parking space for the proposed delivery vehicle, bringing the total to 46 off-street parking spaces. In September 2011, City Council granted a parking reduction of 13 spaces under SUP#2011-0043. The applicant's net requirement of 33 parking spaces is met by the on-site parking garages at the Saul center which contain a total of 209 available 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 Shad Row Homeowners Association, Portner's Landing Condominium Association, Port Royal Condominium Association, Old Town Civic Association, North Old Town Independent Citizens Civic Association, and the Old Town Business and Professional Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require the case to be heard through a full-hearing SUP.

Staff Action

Staff supports the Change of Ownership request and finds the continued use of the subject site as a restaurant consistent with the site's zoning.

Staff has carried forward the previous conditions and replaced Condition #18 with updated language in Conditions #22 & #23. Condition #22 requires the applicant to encourage public transportation use among employees by establishing an employee transportation benefits program and Condition #23 promotes alternative forms of transportation. Condition #24 was added to encourage the applicant to post information about off-street parking for patrons of the restaurant.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 28, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0044

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#2011-0043)

2. The maximum number of indoor seats permitted at the restaurant shall be 157. The maximum number of indoor seats at the restaurant shall be 40. (P&Z) (SUP#2011-0043)

3. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2011-0043)

4. The hours of operation shall be limited to between 7:30am and 11:00pm Sunday through Thursday and between 7:30am to 12:00 midnight Friday and Saturday. (P&Z) (SUP#2011-0043)

5. Outside dining shall be limited to between 7:30 a.m. and 10:00 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 10:00pm daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2011-0043)

6. Outdoor dining at the restaurant shall be substantially consistent with the plan submitted. The applicant shall submit final design specifications for all chairs, tables, barriers, umbrellas, planters, wait stations, other components to be located within the outdoor dining area, and such additional information as the Director may reasonably require, for the review and approval by the Director of Planning & Zoning. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2011-0043)

7. No live entertainment shall be allowed at the restaurant either inside or in the outdoor dining area. (P&Z) (SUP#2011-0043)

8. On-premises alcohol service may be offered but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2011-0043)

9. Not more than one delivery vehicle may be used to deliver food to customers. The delivery vehicle must park in an off-street parking space when at the restaurant. (P&Z) (T&ES) (SUP#2011-0043)

10. The applicant shall provide signage directing patrons to the availability of parking within the on-site retail spaces in the parking garage. (P&Z) (T&ES) (SUP#2011-0043)

11. For indoor dining, meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2011-0043)

12. 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#2011-0043)

13. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2011-0043)

14. 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#2011-0043)

15. 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#2011-0043)

16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2011-0043)

17. 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) (SUP#2011-0043)

~~18.~~ **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~~. (P&Z) (T&ES) ~~(SUP#2011-0043)~~

19. 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#2011-0043)

20. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property lines. (T&ES) (SUP#2011-0043)

21. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2011-0043)

22. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey and a robbery awareness program for employees. (P&Z) (SUP#2011-0043)

23. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2011-0043)

24. **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 a 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)

22. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (P&Z)

23. **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 Local Motion at localmotion@alexandriava.gov or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)(P&Z)

24. **CONDITION ADDED BY STAFF:** The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)(P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0044. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 682 N. Saint Asaph Street.

Applicant - Signature — Date: 8-1-16

My KIEU HUYNH
Applicant – Printed — Date: 8-1-16

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	#2016-0044
Approved by Planning and Zoning:	July 28, 2016
Permission is hereby granted to:	My Kieu Huynh
to use the premises located at:	682 North Saint Asaph 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.

7/28/16
Date

Karl Moritz, Director
Department of Planning and Zoning