

DATE: September 16, 2016

TO: Alex Dambach, Division Chief
Land Use Regulatory Services, Department of Planning and Zoning

FROM: Ann Horowitz, Urban Planner III
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0056
Administrative Review for a Minor Amendment
Use: Restaurant
Applicant: Salinas, Inc.
Location: 4116 Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2016-0056 is a request to amend SUP #2005-0100 to expand the existing restaurant at 4116 Mount Vernon Avenue. The 24-seat restaurant currently operates as a 1,456 square foot bakery and café serving Salvadoran and Central American cuisine. It is one of nine businesses located in a shopping complex. The applicant requests to expand the business into the 1,040 square foot vacant commercial space next to the existing restaurant. Fifty-eight additional seats would be added. Additional changes to the business operation are not proposed. The hours of operation would continue as 5:30 a.m. to 11 p.m., daily and, one-delivery vehicle would service the restaurant. The applicant would not provide alcohol service and live entertainment.

Background

The applicant has operated a restaurant and bakery at the site since 2005 after administrative approval of a Change of Ownership Special Use Permit. A zoning inspection during the 2012 Arlandria Code Compliance Walk revealed that the applicant was using a non-compliant flashing sign. City staff disseminated City Code requirements to the Arlandria Business Association in coordination with AEDP after the walk.

A recent SUP inspection revealed compliance with all SUP conditions. Staff reminded the applicant that the flashing option for the lighted window sign may not be activated.

Parking

City Council approved SUP#98-0018 for the construction of the shopping complex and an 85-space parking lot to accommodate parking for all tenants.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, Lenox Place at Sunnyside and the Arlandria Civic Association have been informed of the new restaurant application. Staff has not received any comments or concerns related to the request.

Staff Action

Staff supports the request for the expansion of an established restaurant at 4116 Mount Vernon Avenue. The proposed business extension would fill a vacant storefront in an active commercial center which is adjacent to residential areas. As the restaurant is located in a commercial center with a dedicated parking lot, the potential for noise, litter, or traffic impacts would not affect residents.

Conditions have been carried forward and, several conditions have been amended and added to reflect modern condition language. Staff has deleted Condition 21 and replaced it with Conditions 22 and 23 to update the applicant's requirements for employee use of mass transit. The proper storage of chemical products, including detergents and cleaners, and used cooking oil is regulated in Conditions 25 and 26, respectively. Supply delivery schedules are mandated in Condition 28 and employee use of off-street parking is required in Condition 29.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: September 16, 2016
Action: Approved



Alex Dambach, Division Chief

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

14. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be ~~plaeed~~ stored inside or in sealed containers which that do not allow odors to escape, invasion by animals, or leaking. ~~and shall be stored inside or in a closed containers which does not allow invasion by animals.~~ 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP#2000-0052)
15. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP#2000-0052)
16. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES) (SUP #2005-0100)
17. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for business and a robbery awareness program for all employees. (Police) (SUP #2005-0100)
18. All signage shall conform with the Mount Vernon Avenue Design Guidelines. (P&Z) (SUP#2000-0052)
19. **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, 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 #2005-0100)
20. 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. (P&Z) (SUP #2005-0100)
21. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 22 AND 23:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.~~ (P&Z) (SUP #2005-0100)

CONDITIONS OF SPECIAL USE PERMIT #2016-00056

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. 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#2000-0052)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 24 82 patrons. (P&Z) (SUP#2000-0052)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP#2000-0052)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2000-0052)
5. Delivery service shall be limited to a maximum of one delivery vehicle. (P&Z) (SUP#2000-0052)
6. No employees or delivery vehicles shall park or load from Mount Vernon Avenue. (P&Z) (SUP #99-0047)
7. The hours the restaurant will be open to the public shall be limited to between 5:30 A.M. and 11:00 P.M. daily. (P&Z) (SUP#2000-0052)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2000-0052)
9. No alcohol service in the restaurant and no off-premise sales of alcohol are permitted. (P&Z) (SUP#2000-0052)
10. No food, beverages or other material shall be stored outside. (P&Z) (SUP#2000-0052)
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) (SUP#2000-0052)
12. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2000-0052)
13. 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 #2005-0100)

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 SUP approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
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 for more information about available resources. (T&ES)
24. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
25. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners must not be stored outside the building, unless they are kept in an enclosure with a roof. (T&ES)
26. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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. (T&ES)
27. **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)
28. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)
29. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (T&ES)

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-2 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 for more information about available resources. (T&ES)
- R-3 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-4 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-5 Chemicals, detergents or cleaners must not be stored outside the building, unless they are kept in an enclosure with a roof. (T&ES)
- R-6 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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. (T&ES)
- R-7 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-8 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)
- R-9 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)

approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.

- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety 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 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Recreation, Parks and Cultural Activities:

No comments received.

Police Department:

No comments received.

- R-10 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-11 The applicant shall require its employees who drive to work to use off-street parking.
- R-12 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- R-13 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
- R-14 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Fire Department:

No comments.

Code Enforcement:

- C-1 A building permit, plan review and inspection are required for this application prior to the start of operating a bakery in this space.

Health Department:

- 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, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0056. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 4116 Mount Vernon Avenue.

Salinas
Applicant – Signature

9/20/2016
Date

Ana C SALINAS
Applicant – Printed

9/20/2016
Date

