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	#2016-0082
Approved by Planning and Zoning:	December 1, 2016
Permission is hereby granted to:	Namaste 2 F&B, LLC
To use the premises located at:	1504 King 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.

12/1/16
Date

KARL MORITZ /AD
Karl Moritz, Director
Department of Planning and Zoning

DATE:	December 1, 2016
TO:	Alex Dambach Department of Planning and Zoning
FROM:	Sara Brandt-Vorel Department of Planning and Zoning
SUBJECT:	Special Use Permit #2016-0082 Administrative Review for a Minor Amendment Site Use: Restaurant Proposed Business Name: Namaste Applicant: Namaste 2 F&B, LLC Location: 1504 King Street Zone: KR/King Street Retail

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Request

Special Use Permit #2016-0082 is a minor amendment to SUP #2016-0052 for a request to add two delivery vehicles to an existing restaurant operation, known as Namaste Restaurant. The restaurant will continue to operate as a full-service restaurant serving traditional Indian dishes. The applicant proposes to maintain restaurant operations with the following parameters:

Hours of Operation:	11 a.m. – 12 a.m., Monday - Thursday 11 a.m. – 1 a.m., Friday - Sunday
Indoor Seating:	120 indoor seats.
Type of Service:	Dine-in and Delivery.
Delivery:	Two delivery vehicles proposed.
Alcohol:	On-premises alcohol sales.
Live Entertainment:	Limited live entertainment.
Employees per Shift:	Ten employees per shift.
Noise:	Minimal noise is expected. As the applicant proposes some live music they will be required to follow the City's noise ordinance.
Odors:	Minimal odors from a restaurant use are addressed through proper ventilation.
Trash/Litter:	All trash receptacles will be emptied into dumpsters located behind the restaurant.

Background

In November 1983 Planning Commission approved Site Plan #83-0042 for the development of an office and retail building with 45 parking spaces at 1500 King Street. City Council approved a restaurant use in December 1986 through SUP #1957 that included a condition requiring the lease of 31 off-street parking spaces between 6 p.m. – 1 a.m. in the parking lot behind the restaurant for patron use. In July 1991, City Council approved SUP #1957A which extended the daily hours of operation to a daily closing hour of 12 a.m., midnight. A minor amendment and change of ownership were administratively approved in June 2012 through SUP #2012-0022 to extend the closing hour to 1 a.m. Staff administratively approved change of ownership requests again in March 2014 through SUP #2014-0022 and in August 2016 through SUP #2016-0052 to the current applicant, Namaste 2 F&B, LLC. As the restaurant is currently closed an inspection was not completed.

Parking

Section 8-200(A)(8) of the Zoning Ordinance requires a restaurant to provide one off-street parking space for every four seats, therefore with 120 seats the applicant would typically be required to provide 30 off-street parking spaces. However, the applicant's restaurant is located within the boundaries of the King Street Transit Parking District which under Section 8-400(B)(8) waives the parking requirements for the first 10,000 square feet of restaurant located in an office building, therefore the applicant does not have a technical parking requirement for restaurant seats. The applicant maintains a lease for 31 off-street parking spaces located in the surface parking lot located behind the restaurant.

However, the applicant is required to provide one off-street parking space for each delivery vehicle and would therefore be required to provide two off-street parking spaces for their proposed delivery services.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association, Old Town Business & Professional Association, King Street Exchange Condominiums, 1600 Prince Street Condominiums, Upper King Street Neighborhood Association, 113 S. West Street Condominiums and the 1500 King Street Condominiums have been informed of the Minor Amendment request. Staff did not receive any comments from the public in regards to the Minor Amendment request.

Staff Action

Staff finds the applicant's request to add up to two delivery vehicles to be reasonable. The applicant has an established customer base in the area and has indicated that customers would like the option of delivery services to supplement dine-in restaurant operations. Staff has deleted Condition #14, previously prohibiting the use of delivery vehicles and replaced it with Condition #28 which allows the applicant up to two delivery vehicles which must be parked off-street when

in the vicinity of the restaurant. As the applicant has maintained 31 off-street parking spaces behind the restaurant, staff has amended Condition #7 to indicate that two parking spaces are to be used for delivery vehicles, and the remaining 29 spaces would be used for customer parking. Staff has also added Condition #29 requiring that the restaurant windows remain transparent to maintain an active street presence. Standard conditions to protect the environment were added, including Condition #30 prohibiting the use of detergents for exterior power washing; Condition #31 that requires a container with a roof for the outdoor storage of various materials; and Condition #32 which requires the storage of cooking oil in a secure vessel. All other conditions have been carried forward from SUP #2016-0052.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: December 1, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0082

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#2014-0013)

2. Seating shall be provided inside for no more than 120 patrons. (P&Z) (SUP#2012-0022)

3. No outside dining facilities shall be located on the premises unless reviewed and approved by the Director of Planning & Zoning as part of the King Street Outdoor Dining Program. (P&Z) (SUP#2012-0022)

4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2012-0022)

5. **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 container which does not allow invasion by animals~~. 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 on-site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(T&ES) ~~(SUP#2014-0013)~~

6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#2012-0022)

7. **CONDITION AMENDED BY STAFF:** The applicant shall continue to lease the 31 parking spaces in the building for use between the hours of 6 p.m. and 1 a.m. daily for as long as the restaurant is open. The 31 spaces shall be additionally available until 2 a.m. on Saturday - Monday mornings when the restaurant closing hour is 1 a.m. Two of the 31 parking spaces shall be reserved for the use of delivery vehicles. (P&Z) ~~(SUP#2012-0022)~~

8. CONDITION DELETED
(P&Z) (SUP#2012-0022)

9. The hours during which the business is open to the public shall be restricted to 11 a.m. to 12 midnight Monday-Thursday and 11 a.m. to 1 a.m. Friday through Sunday. (P&Z) (SUP#2012-0022)

10. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2012-0022)

11. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license, but off-premises alcohol sales shall be prohibited. (P&Z) (SUP#2014-0013)

12. All live entertainment at the restaurant shall be subordinate to the principal function of the business as an eating establishment. No cover or admission fee may be assessed. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP#2012-0022)

13. Rental of the restaurant/nightclub to third-party entities, such as event or party promoters, in which the third party entity has operational control of the premises, shall be prohibited. Restaurant management shall be on-premises at all times to monitor banquet hall activities for compliance with this condition and all other SUP conditions. (P&Z) (SUP#2012-0022)

14. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #28:** ~~No delivery of food to customers may be operated from the restaurant. (P&Z) (SUP#2012-0022)~~

15. 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#2012-0022)

16. 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#2012-0022)

17. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP#2012-0022)

18. 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. (T&ES) (SUP#2012-0022)

19. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2012-0022)

20. 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. (T&ES) (SUP#2012-0022)

21. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2012-0022)

22. 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. (T&ES) (SUP#2012-0022)

23. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees use public transportation to travel to and from work. ~~Within 60 days of City Council approval,~~ ~~t~~The business shall contact ~~the Local Motion~~ Go Alex at ~~localmotion@alexandriava.gov~~ goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) ~~(SUP#2016-0052)~~

24. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP#2012-0022)

25. Supply deliveries and loading/unloading activities to the business are prohibited between 11:00 p.m. and 7:00 a.m. (P&Z) (T&ES) (SUP#2012-0022)

26. **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#2016-0052)~~

27. **CONDITION AMENDED 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~~ Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z)(SUP#2016-0052)

28. **CONDITION ADDED BY STAFF:** Up to two delivery vehicles shall be permitted for the restaurant use. Any delivery vehicles shall be parked in an off-street parking space when located in the vicinity of the restaurant. (P&Z)

29. **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)

30. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

31. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

32. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:
Conditions Carried Forward:

17. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP#2012-0022)

18. 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. (T&ES) (SUP#2012-0052)

19. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2012-0052)

20. 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. (T&ES) (SUP#2012-0052)

21. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2012-0052)

22. 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. (T&ES) (SUP#2012-0052)

24. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP#2012-0052)

25. Supply deliveries and loading/unloading activities to the business are prohibited between 11:00 p.m. and 7:00 a.m. (P&Z) (T&ES) (SUP#2012-0052)

New Conditions:

R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

R-3 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)

City Code Requirements:

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)

C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department:
F-1 A new fire prevention permit is required to reflect the new ownership.

Code Enforcement:
No comments received.

Health Department:
No comments or concerns.

Recreation, Parks and Cultural Activities:
No comments received.

Police Department:
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0082. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 1504 King Street.

Applicant – Signature

12-06-2016
Date

Atma Ram Upadhyaya.
Applicant – Printed

12-06-2016
Date