

DATE: September 25, 2017

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

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

SUBJECT: Special Use Permit #2017-0094
Administrative Review for New Use
Use: Restaurant
Applicant: Kristopher Garcia
Location: 1008-1010 Madison Street (Parcel address: 727 North Henry St.)
Zone: CSL / Commercial Service Low

Request

Special Use Permit #2017-0094 is a request to operate a restaurant at 1008-1010 Madison Street. The proposed 47-seat restaurant would operate in a 1,148 square foot tenant space under the business name of Chop Shop Taco. A menu specializing in Mexican cuisine would be offered. Patrons could dine-in or place carry-out orders. On-premises alcohol would be available at the restaurant. The applicant would feature a disc jockey or live acoustic performances up to two times a week which would be subordinate to the restaurant use. The hours of operation are proposed as 7:30 a.m. to 11 p.m., Sunday through Thursday and 7:30 a.m. to 12 a.m., Friday and Saturday. The applicant estimates that up to seven employees would serve 260 patrons a day.

Parking

Section 8-200(A)(8) of the Zoning Ordinance requires restaurants to provide one parking space for every 4 restaurant seats. The applicant would be required to provide 12 parking spaces, however, City Council approved SUP #2017-0079 in September 2017 which granted a full parking reduction for the tenants of the building at 727 North Henry and 1008-1012 Madison Streets. The applicant, therefore, is not required to provide parking at this location.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Braddock Metro Citizens Coalition and West Old Town Citizens Association have been informed of the application. Staff has not received any comments or concerns.

Staff Action

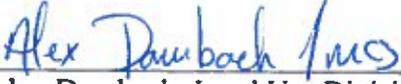
Staff supports the applicant's request to operate a restaurant at 1008-1010 Madison Street. The applicant's restaurant would contribute to the addition of active spaces in a building planned for renovation in the Braddock neighborhood. Staff does not anticipate impacts as the proposed restaurant is relatively small. Live entertainment would be limited in intensity as it would be a

subordinate feature of the restaurant, as regulated in Condition 7. Loudspeakers are not permitted on the exterior of the building and amplified sound shall not be audible at the property line, as stated in Condition 20. Additional standard conditions for restaurants have been included.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: September 25, 2017
Action: Approved



Alex Dambach, Land Use Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2017-0094

The applicant 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)
2. The maximum number of indoor seats shall be 47. Outdoor seating is not permitted. (P&Z)
3. The hours the restaurant will be open to the public between 7:30 a.m. and 11 p.m., Sunday to Thursday and from 7:30 a.m. and 12 a.m., Friday and Saturday. Meals ordered before 11 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 12 a.m., Sunday to Thursday. Meals ordered before 12 a.m. may be served, but no new patrons may be admitted and all patrons must leave by 1 a.m., Friday and Saturday. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. On-premises alcohol sales are permitted, consistent with a valid ABC license. Off-premises alcohol services are not permitted. (P&Z)
6. No outside dining facilities shall be located on the premises. (P&Z)
7. ~~Limited, live entertainment is permitted. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.~~ (P&Z)
8. Delivery of food to customers may not operate from the restaurant. (P&Z)
9. 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)
10. Food, beverages or other material shall not be stored outside. (P&Z)
11. All windows shall remain transparent. The placement or construction of items that block the visibility of the interior of the commercial space from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. (P&Z)
12. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

13. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
14. 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)
15. 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)
16. 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)
17. 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)
18. 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)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
20. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES)
21. 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.
22. 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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 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-4 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-5 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-6 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)
- R-7 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-8 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-9 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES)
- R-10 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.

- 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 SUP 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)

Code Enforcement:

- C-1 A building permit, plan review and inspections are required for the information listed in the SUP application.

Fire:

- C-1 Based on the proposed occupant load, owner or operator will be required to obtain a fire prevention permit.

Health:

No comments received.

Parks and Recreation:

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 #2017-0094. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1008-1010 Madison Street.


Applicant - Signature

9/28/17
Date

KRISTOPHER P. GARCIA
Applicant - Printed

9/28/17
Date