

DATE: September 12, 2018

TO: Anthony LaColla, AICP, Division Chief
Department of Planning and Zoning

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0080
Administrative Review for New Use
Site Use: Restaurant
Applicant: Zongmin Li
Location: 814 North Fairfax Street
Zone: CRMU-X / Commercial Residential Mixed Use-High

Request

Special Use Permit #2018-00080 is a request to operate a restaurant at 814 North Fairfax Street in a ground floor tenant space of approximately 1,300 square feet. The applicant proposes a 58-indoor seat, table service and carry out restaurant with operating hours of 7 a.m. to midnight, daily. The restaurant would serve Yunnan cuisine from the southwestern region of China with a focus on Mixian. The business plans to operate under the name Yunnan by Potomac.

Parking

According to Section 8-200(A)(17)(a)(i) of the Zoning Ordinance, a restaurant in the Enhanced Transit Zone is required to provide at minimum one parking space for every 1,000 square feet of space. A business with a parking requirement of two spaces or less is exempt from the parking requirement as established in Section 8-100(A)(9) of the Zoning Ordinance. The applicant's restaurant would occupy approximately 1,300 square feet and would have a parking requirement of two spaces, thus, the applicant is not required to provide any off-street parking.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association and the North Old Town Independent Citizens Association were sent an e-mail with information about the current application. Staff did not receive any comments about the application.

Staff Action

Staff supports the applicant's request for a restaurant at this location. The applicant's restaurant would be located in the Montgomery Center, a low-rise commercial building that occupies an entire city block and provides a multitude of community serving uses of which this proposal would be compatible. Staff does not anticipate negative impacts arising from this use, particularly because it is replacing a restaurant.

Staff has included standard conditions, such as Condition #2 which limits seats and Condition #3 which limits hours to between 7 a.m. and midnight daily. Staff has also included standard

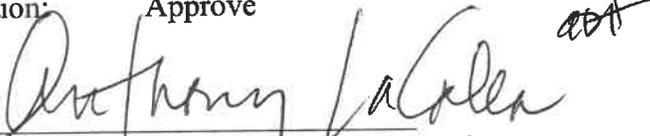
conditions to mitigate environmental impacts such as runoff (Condition #20), storage of materials (Condition #7 and #21), and disposal of cleaning materials (Condition #13).

Staff hereby approves this special use permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: September 12, 2018

Action: Approve


Anthony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2018-0080

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats shall be 58. Outdoor dining is not permitted. (P&Z)
3. The hours of operation for the restaurant shall be 7 a.m. to midnight, daily. Meals ordered before midnight may be served, but no new patrons may be admitted and all patrons must leave by 1 a.m., daily. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted at the restaurant. (P&Z)
6. On-premises alcohol sales are permitted. Off-premises alcohol sales are not permitted. (P&Z)
7. No food, beverages, or other material shall be stored outside unless specified by another condition. (P&Z)
8. 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)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
10. No delivery of food to customers may operate from the restaurant. (P&Z)
11. 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)
12. 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)
13. 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)

14. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
15. 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)
16. The applicant shall require its employees who drive to use off-street parking. (T&ES)
17. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
18. 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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
19. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
20. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
21. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
22. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) 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)
23. 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)
24. 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)
25. 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Since the parking requirement for this restaurant is 2 spaces, the business is exempt from providing the required parking pursuant to Section 8-100(A)(9).
- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) 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-8 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-9 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-10 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-11 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-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)
- R-13 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-14 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)
- 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:

No comments received.

Health Department:

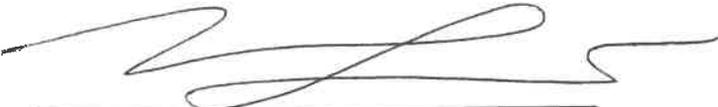
No comments received.

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 #2018-0080. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 814 North Fairfax Street.



Applicant - Signature

9/12/18

Date

Zongmin Li

Applicant - Printed

Date

