

DATE: April 9, 2019

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Cara DelVecchio, Non-development Case Unit Intern, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0028
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: Jose E. Carranza Gochez
Location: 127 South Peyton Street
Zone: OCH/Office Commercial High Zone

Request

Special Use Permit (SUP) #2019-0028 is an administrative request to change the ownership of an existing restaurant from Hea Sun Ma to Jose E. Carranza Gochez. The business will continue to operate under the name Old Town Sandwich Shop, offering carry-out of various sandwich types. No other changes are proposed.

Background

On September 15, 1990, City council granted Special Use Permit #2421 to Pyung Han Jim for operation of a restaurant located at 127 South Peyton Street. On June 13, 1992, City Council granted Special Use Permit #2421-A to the same applicant for the review of the restaurant. A change of ownership was administered on December 2, 2003 under Special Use Permit #2003-0089 to Hea Sun Ma which was the most recent change to this business. A zoning inspection in March 2019 revealed a violation of Condition #1 regarding the presence of seating. The applicant subsequently removed the seating.

Parking

The 1,370 square foot restaurant, located within the enhanced transit area, is required to provide 2 spaces according to Section 8-200(17)(a)(i) of the zoning ordinance.

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 was sent an email with information about the current application. Staff has not received any public comments about the proposal.

Staff Action

Staff supports the applicant's request for a change of ownership at this location. It is unlikely a change of ownership would generate or intensify any negative impacts arising from this use and the restaurant will continue to service the community with quick and convenient options. Staff has carried forward previous SUP conditions and amended conditions to reflect current language standards and additional standard restaurant use conditions have been added.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: April 9, 2019

Action: Approved



Tony LaColta, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0028

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. That no on-site consumption of food or beverage be permitted, and no seats or tables be provided for the use of patrons. (P&CD) (SUP #2421-A)
2. **CONDITION AMENDED BY STAFF:** Litter on site. That the applicant police the front of the restaurant on the public rights-of-way, and spaces adjacent to or within 75 feet of the premises shall be picked up of paper, glass, and litter at least twice a day, (on each day that the restaurant is open to the public) and more often if necessary, to prevent an unsanitary and unsightly accumulation. (PC) (SUP #2421-A)
3. That one standard City trash container be furnished to the City of Alexandria for installation by City on the adjacent public right-of-way. (P&Z) (SUP #2421-A)
4. **CONDITION AMENDED BY STAFF:** That no food beverages or other material be stored outside with the exception of materials specified in other conditions. (P&Z) (SUP #2421-A)
5. That trash and garbage be stored inside or in a dumpster. (P&Z) (SUP #2421-A)
6. That trash and garbage be collected daily when the business is open. (P&Z) (SUP #2421-A)
7. That the applicant post the hours of operation at the entrance of the business. (P&Z) (SUP #2421-A)
8. That the hours during which the restaurant is open to the public be restricted to 7:00 a.m. to 4:30 p.m., Monday through Friday, as requested by the applicant. (P&Z) (SUP #2421-A)
9. That the special use permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2421-A)
10. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP #2003-0089)
11. The applicant shall control cooking 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. (P&Z) (SUP #2003-0089)

12. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police) (SUP #2003-0089)
13. **CONDITION ADDED BY STAFF:** 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)
14. **CONDITION ADDED BY STAFF:** On-premises alcohol service is not permitted. (P&Z)
15. **CONDITION ADDED BY STAFF:** Food delivery operated and managed by the applicant shall not be permitted. (P&Z)
16. **CONDITION ADDED BY STAFF:** Live entertainment shall not be permitted. (P&Z)
17. **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)
18. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
19. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
20. **CONDITION ADDED BY STAFF:** 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)
21. **CONDITION ADDED BY STAFF:** 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

22. **CONDITION ADDED BY STAFF:** 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)
23. **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)
24. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
25. **CONDITION ADDED BY STAFF:** The use must comply with the city's noise ordinance. (P&Z)
26. **CONDITION ADDED BY STAFF:** 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)
27. **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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
28. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)
29. **CONDITION ADDED 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0028. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 127 South Peyton Street.



Applicant - Signature

4/12/19
Date

Jose E. Gochez
Applicant - Printed

4/12/19
Date



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 #2019-0028

Approved by Planning and Zoning: April 9, 2019

Permission is hereby granted to: Jose E. Carranza Gochez

to use the premises located at: 127 South Peyton 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.

4/9/2019

Date

Karl Moritz (by JTT)

Karl Moritz, Director
Department of Planning and Zoning