

DATE: April 18, 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 #2019-0027
Administrative Review for New Use
Site Use: Restaurant
Applicant: Nga Ho
Location: 205 South Whiting Street
Zone: OCM50

Request

Special Use Permit #2019-0027 is a request to operate a restaurant at 205 South Whiting Street of approximately 1,800 square feet on the first-floor space. The proposed first floor restaurant is located in a commercial office building.

The applicant proposes to operate the restaurant as a coffee shop called "Java Loco" and would offer espresso-based drinks, flavored coffees, teas, pastries, sodas and water, and packaged snacks, such as chips. The applicant proposes to operate the coffee shop as primarily a carry out operation. There are to be two seats located within the space and the daily hours of operation would be from 7:30 a.m. to 3 p.m., daily. No alcohol, delivery, or live entertainment is proposed.

Elements of the proposal include:

Proposed Hours of Operation: 7:30 a.m. to 3 p.m.

Proposed Seating: 2 seats

Type of Service: Carry-out primarily

Delivery: No delivery proposed

Alcohol: No on or off premises alcohol sales proposed

Live Entertainment: No live entertainment proposed

Employees per Shift: 1

Noise: Minimal noise is expected.

Odors: Minimal odors from a restaurant are expected.

Trash/Litter:

Trash receptacles are located within the coffee shop as well as the lobby of the building. The coffee shop has access to the trash room to dispose of daily trash.

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 1,800 square feet, resulting in a parking requirement of two spaces, which the applicant is exempted from providing.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff did not receive any comments regarding the application.

Staff Action

Staff supports the applicant's request for a restaurant at this location. The addition of a coffee shop would create a convenient amenity for the employees and visitors of the office building. As the operation is relatively small and the hours are limited, staff does not expect impacts on adjacent uses.

Staff has included standard restaurant conditions in the SUP report.

Staff hereby approves this special use permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 18, 2019

Action: Approved



Tony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0027

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 2. Outdoor dining is not permitted. (P&Z)
3. The hours of operation for the restaurant shall be 7:30 a.m. to 3:00 p.m., daily. All patrons must leave the premises one hour after closing. (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 is not permitted. (P&Z)
7. No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions. (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. (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. 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)
10. Food delivery operated by vehicle and managed by the applicant shall not be permitted. (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. The applicant shall require its employees who drive to use off-street parking. (T&ES)
16. 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)
17. 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)
18. 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)
19. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
20. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
21. 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)
22. 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)
23. 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)
24. 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:

- R-1 Exterior power washing of the building shall not be completed using any kinds 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 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. (T&ES)
- R-4 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-5 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-6 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-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)
- R-8 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (T&ES)
- R-9 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-10 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 more information on establishing an employee transportation benefits program. (T&ES)
- R-11 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-12 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 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.

Fire:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0027. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 205 South Whiting Street.



Applicant – Signature

April 19, 2019

Date

NGA HO

Applicant – Printed

Date



City of Alexandria, Virginia
Department of Planning & Zoning

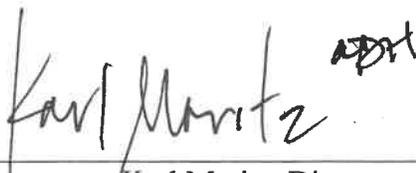
SPECIAL USE PERMIT CERTIFICATE

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 #2019-0027
Approved by Planning and Zoning: April 18, 2019
Permission is hereby granted to: Nga Ho
to use the premises located at: 205 South Whiting 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 / 19 / 2019
Date


Karl Moritz, Director
Department of Planning and Zoning