

DATE: October 19, 2012

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0071
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Teerapong Tangjaitaweasuk
Location: 693 N. Washington Street
(Parcel Address: 615 N. Washington Street)
Zone: CRMU-X / Commercial Residential Mixed Use (Old Town North)

Request

Special Use Permit #2012-0071 is a request for a minor amendment to add on-premises alcohol and delivery service and to change ownership of the existing restaurant in the Saul Center from Wilfredo Villarreal to Teerapong Tangjaitaweasuk. Delivery service of food to customers will involve the use of only one vehicle. The applicant plans to serve sushi and other Asian cuisine under the trade name of “Zendo.” No other changes to the operation are proposed.

Background

In May 2002, City Council granted SUP#2002-0016 to Wilfredo Villarreal for the operation of a quick-service Tex-Mex restaurant that most recently traded under the name of “Burrito Brothers.” The restaurant closed in July of this year. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 50 seats is required to provide 13 off-street parking spaces. One additional off-street parking space is required for the proposed delivery vehicle, bringing the total parking requirement for restaurant, as currently approved, to 14 spaces.

Staff’s study of parking in the Saul Center shows that only 13 parking spaces are available for the restaurant use in the shared retail garage areas in the complex. The applicant has agreed to eliminate two seats at the restaurant, reducing the maximum number of seats from 50 to 48, in order to add the delivery service while keeping the restaurant’s parking requirement at 13 spaces.

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, West Old Town Citizens Association, Old Town North Community Association, North Old Town Independent Citizens Civic Association and Townhomes at Portner's Landing were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff supports the applicant's change of ownership and minor amendment requests. The proposal to add on-premises alcohol service and one delivery vehicle are minor changes that eligible for minor amendment approval pursuant to Section 11-511(A)(2)(b)(ii), since these operational elements are allowed under the Administrative SUP standards for new restaurants. Staff has carried forward many of the existing SUP conditions, but has made a few changes to allow for alcohol and delivery service, to delete a duplicate condition, and to add a few conditions that are now standard for SUP requests. Staff has also captured the reduction in seating from 50 to 48 seats in Condition #2, which the applicant has agreed to in order to accommodate the delivery vehicle while maintaining the same 13-space parking requirement as the prior restaurant use.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 18, 2012

Action: Approved

Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2012-0071

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) (SUP#2002-0016)
2. **CONDITION AMENDED BY STAFF:** ~~Seating shall be provided for no more than 50 patrons.~~ The maximum number of seats at the restaurant shall be 48. (P&Z) (SUP#2002-0016)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP#2002-0016)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2002-0016)
5. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m., Monday to Friday, and 10:30 a.m. to 11:00 p.m. Saturday and Sunday. (P&Z) (SUP#2002-0016)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2002-0016)
7. **CONDITION AMENDED BY STAFF:** ~~Alcoholic beverages shall not be sold.~~ On-premises alcohol service may be permitted but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2002-0016)
8. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #19):** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.~~ (P&Z) (SUP#2002-0016)
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2002-0016)
11. **CONDITION DELETED BY STAFF:** ~~The applicant shall install at least one trash container within the restaurant for customers' use.~~ (P&Z) (SUP#2002-0016)
12. 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. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2002-0016)

13. 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. (P&Z) (T&ES) (SUP#2002-0016)
14. **CONDITION AMENDED BY STAFF:** The applicant shall require ~~that~~ its employees who drive to work use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP#2002-0016)
15. All loading for the restaurant shall be from Wythe Street. (P&Z) (T&ES) (SUP#2002-0016)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2002-0016)
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) (SUP#2002-0016)
18. **CONDITION AMENDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP#2002-0016)
19. 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#2002-0016)
20. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention Unit~~ Community Relations Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police) (SUP#2002-0016)
21. **CONDITION DELETED BY STAFF (See Condition #26):** ~~The Director of Planning and Zoning shall review the special use permit one year after approval 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, (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) (SUP#2002-0016)

22. The applicant shall provide free parking for patrons in the parking garage accessed from North St. Asaph Street. (City Council) (SUP#2002-0016)
23. **CONDITION ADDED BY STAFF:** Not more than one delivery vehicle may be used to deliver food to customers. The delivery vehicle must park in an off-street parking space when at the restaurant. (P&Z)
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:** All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
26. **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, (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 Conditions carried forward from SUP2002-00016:

13. 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. (P&Z/**T&ES**) (SUP2002-00016)

14. **Amended by Staff:** The applicant shall require ~~that its~~ employees who drive to work use off-street parking and/or **provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.** (T&ES) (SUP2002-00016)

15. All loading for the restaurant shall be from Wythe Street. (P&Z/**T&ES**) (SUP2002-00016)

16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2002-00016)

17. The applicant shall control cooking odors, ~~and~~ smoke and any other air pollutants from the 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 and Environmental Services. (T&ES) (SUP2002-00016)

18. **Amended by Staff: Loudspeakers shall be prohibited from the exterior of the building, and** no amplified sounds shall be audible at the property line. (T&ES) (SUP2002-00080)

22. The applicant shall provide free parking for patrons in the parking garage accessed from North St. Asaph Street. (City Council) (SUP2002-00016)

R-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

- R-3 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- C-1 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-2 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)

Code Enforcement:

- F-1 No comment

Health Department:

- F-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
- F-2 Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- F-3 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- F-4 Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
- F-5 A Certified Food Manager shall be on-duty during all operating hours.

- F-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- F-7 Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation:

- F-1 No comments received

Police Department:

- F-1 No comments received