



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **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 #2019-0083

Approved by Planning and Zoning: October 24, 2019

Permission is hereby granted to: CalTort Carlyle, LLC

to use the premises located at: 301 Swamp Fox Road

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.

10/24/2019  
Date

Karl Moritz (by JLR)  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: October 24, 2019

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

FROM: Max Ewart, Planner I, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0083  
Administrative Review for a Change of Ownership  
Site Use: Restaurant  
Applicant: CalTort Carlyle, LLC  
Location: 301 Swamp Fox Road (Parcel Address: 2461 Eisenhower Avenue)  
Zone: CDD #2/Eisenhower Avenue Metro

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**Request**

Special Use Permit #2019-0083 is a request for a change of ownership to operate a restaurant in a 2,566 square-foot commercial space at 301 Swamp Fox Road from Rals KC, Inc. to CalTort Carlyle, LLC. The restaurant would continue to operate as a California Tortilla. The applicant does not propose any other changes to the operation and would operate it under the conditions of the previously approved Special Use Permit #2006-0029.

The previously approved operational details include:

**Hours of Operation:** 11 a.m. – 1:30 a.m., daily

**Noise:** Minimal noise is expected.

**Odors:** Minimal odors from a restaurant are expected.

**Background**

The subject site is located in Block 6 of the Eisenhower East Small Area Plan. City Council approved Special Use Permit #98-0043 for a Transportation Management Plan for the Hoffman Town Center in 1998 and approved Development Special Use Permit #2000-0028 in 2000 for the development of Blocks 6, 7, 8 and 14. On September 16, 2017, City Council approved DSUP #2017-0015 as an amendment to update the required crown coverage, drive aisle width, building height and included an encroachment to allow for balconies to extend into the public right of way.

On September 15, 2007, City Council approved Special Use Permit #2007-0056 for the operation of a restaurant at the subject site. On August 10, 2010, Staff approved SUP #2010-0042 for a change of ownership to operate a restaurant known as California Tortilla.

**Parking**

Section 8-200(A)(17)(a) of the Zoning Ordinance requires the proposed restaurant to provide a minimum of one parking space per 1,000 square feet of floor area. The 2,566-square foot commercial tenant space would be required to provide three parking spaces. Development Special Use Permit #2017-0015 dictates that parking for businesses in the commercial spaces, where California Tortilla is located, would be shared with the 41-space surface parking lot in front of the tenant spaces and that overflow parking would be provided at the off-site parking garage at 2380 Mill Road.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, The Taylor Run Civic Association was sent an email notification of the current application. Staff did not receive any comments regarding the application.

**Staff Action**

Staff supports the applicant’s request for a change of ownership for a restaurant located at 301 Swamp Fox Road. The approved request would allow for continued occupation of commercial restaurant space. Staff has carried over conditions from the previously approved Special Use Permit, deleting those that are no longer relevant and updating others where the standard condition language has changed.

Condition #4, related to customer parking, was deleted and replaced with Conditions #27 and #28, which reference the current City parking program, Go Alex. The Health Department no longer requires a restaurant menu as an SUP condition in Condition #11, as deleted, and Condition #12, requiring the applicant to reach out to the Police Department for a crime prevention survey, was deleted as it was satisfied by the previous restaurant owner. Staff has also amended and added conditions to represent present-day standard condition language for restaurant uses.

Staff hereby approves this special use permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: October 24, 2019

Action: Approved

  
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Tony LaColla, AICP, Division Chief

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

### CONDITIONS OF SPECIAL USE PERMIT #2019-0083

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) (SUP #2007-0056)
2. The hours of the restaurant shall be limited to 11 a.m. – 1:30 a.m., seven days a week.(P&Z) (City Council) (SUP #2007-0056)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2007-0056)
4. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITIONS #27 AND #28:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2007-0056)~~
5. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2007-0056)
6. 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#2007-0056)
7. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP#2007-0056)
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) (SUP#2007-0056)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2007-0056)
10. Condition deleted. (SUP#2010-0042)
11. **CONDITION SATISFIED BY APPLICANT AND DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2010-0042)-~~
12. **CONDITION SATISFIED BY APPLICANT AND DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2010-0042)~~

13. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. ~~(T&ES) (SUP #2010-0042) (P&Z)~~
14. 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 and Environmental Services. (T&ES) (SUP #2007-0056)
15. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2007-0056)
16. Condition deleted. (SUP#2010-0042)
17. 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) (SUP#2007-0056)
18. **CONDITION AMENDED 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) (SUP #2010-0042)
19. No live entertainment shall be permitted at the restaurant. (P&Z) (SUP#2010-0042)
20. No delivery service shall operate from the restaurant. (P&Z) (SUP#2010-0042)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP#2010-0042)
22. **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)
23. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)

24. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
25. **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. (P&Z)
26. **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. (P&Z)
27. **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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z)
28. **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](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0083. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 301 Swamp Fox Road.



Applicant – Signature

10/28/19

Date

STEPHEN TAYLOR

Applicant – Printed

10/28/19

Date