

Docket Item #12
SPECIAL USE PERMIT #2006-0002

Planning Commission Meeting
March 9, 2006

ISSUE: Consideration of a request for a special use permit to expand an existing restaurant.

APPLICANT: Mejia Brothers, Inc.
by Mariela Garrido

LOCATION: 2615-2617 Mount Vernon Avenue

ZONE: CL/Commercial Low

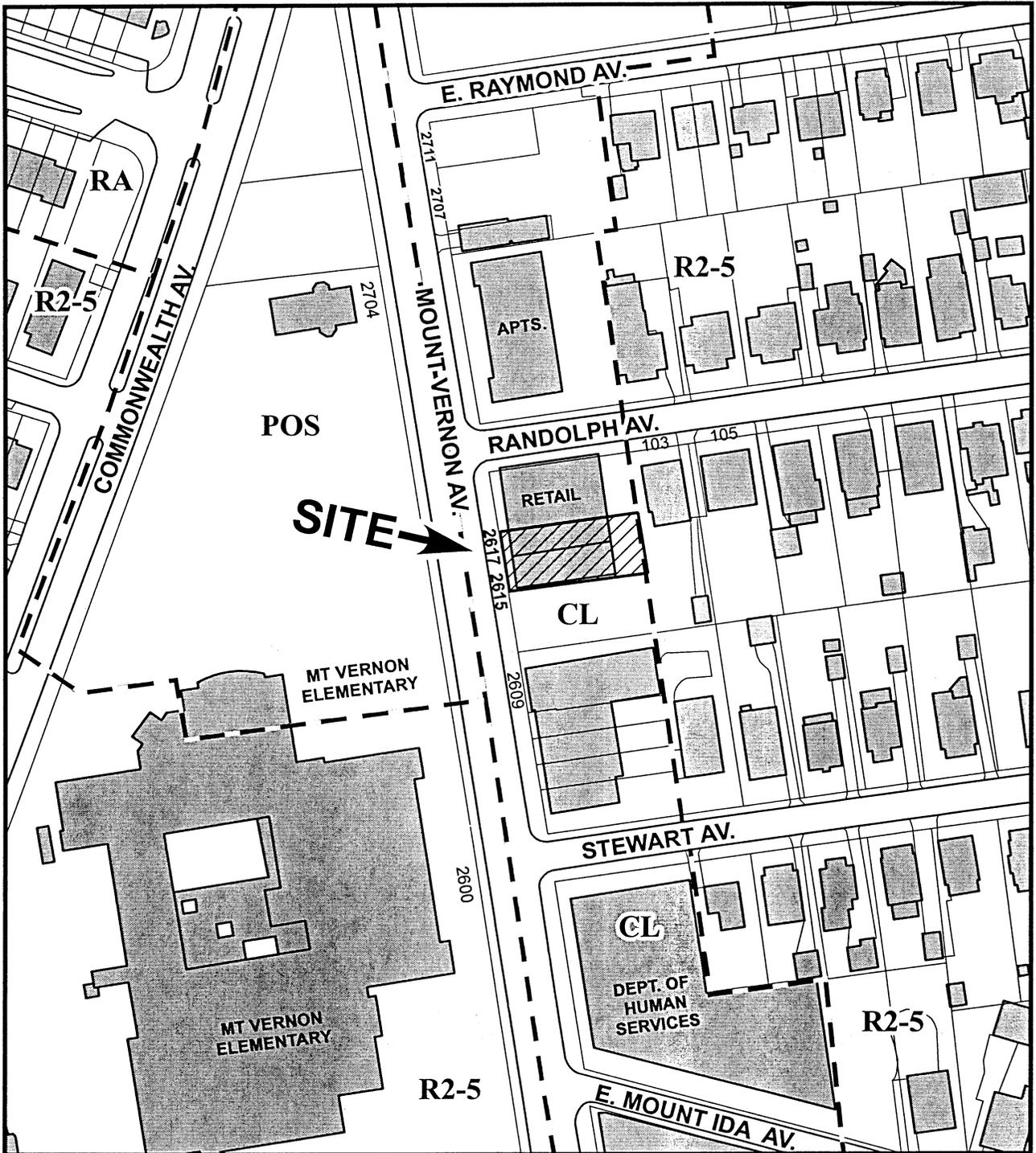
PLANNING COMMISSION ACTION, MARCH 9, 2006: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend condition #22 and accept staff's revised language for condition #14. The motion carried on a vote of 5 to 0. Mr. Dunn and Mr. Jennings was absent.

Reason: The Planning Commission agreed with the staff's analysis.

Speakers:

Amy Slack, of the Del Ray Citizen's Association, stated that the Del Ray Land Use Committee and Executive Board support the restaurant expansion subject to their conditions.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2006-0002

03/09/06



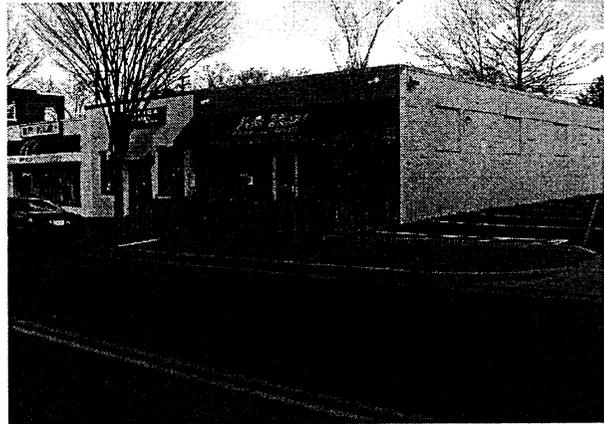
I. DISCUSSION

REQUEST

The applicant, German Mejia, requests special use permit approval for the expansion of a restaurant located at 2615-2617 Mt. Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 150 feet of frontage on Mt. Vernon Avenue, 113.6 feet of depth and a total lot area of 5,680 square feet. The site is developed with a single story commercial building which spans two properties and is currently occupied by four commercial tenants. A parking lot abuts the south side of the building. The subject restaurant, Los Tios Grill, occupies the southern most tenant space and proposes to expand into the adjacent commercial space currently occupied by Botanica San Elias.



The surrounding land uses include commercial and residential to the north, commercial to the south, residential immediately to the east and the Mount Vernon Elementary School and Recreation Center to the west of the property. A parking lot abuts the south side of the building. The parking lot serves the building at 2609 Mt. Vernon Avenue.

BACKGROUND

On January 23, 1982, City Council granted Special Use Permit #1447 for the operation of a restaurant, specifically a 24 seat ice cream shop. Since that time, the ownership of the restaurant has changed several times. Most recently, on August 3, 2004, staff approved SUP#2004-0060 to the applicant as the new owner of the restaurant. On November 13, 2004, City Council approved SUP#2004-0088 for a restaurant expansion. Since the approval of SUP#2004-0088, the applicant has had no complaints or special use permit violations. Staff is not aware of any issues or complaints at the restaurant.

PROPOSAL

The applicant proposes to expand the restaurant into the adjacent commercial space, to increase the number of seats. After renovations are completed, the applicant proposes to provide 128 table seats, 10 bar seats, and 38 seats outside for a total of 176 seats. The outdoor seating is proposed at the front of the restaurant along Mt. Vernon Avenue on private property, which extends eight feet from the building wall. The applicant also proposes exterior renovations to the restaurant including lighting improvements, new fencing, an awning, and removal of the box sign currently at 2617 Mt. Vernon Avenue. No other changes are being proposed at this time.

groups and 597 individuals. The survey indicated that 27% of the groups surveyed used parking at SunTrust Bank, 36% of the groups used on-street parking, and 37% of customers walked to Los Tios Restaurant. The survey concluded that 64% of the customers utilized parking at SunTrust Bank or walked from the adjacent neighborhoods.

DEL RAY LAND USE COMMITTEE MEETING

On February 16, 2006, staff attended the Del Ray Land Use Committee meeting at the Mount Vernon Recreation Center. The committee supported the proposal with conditions, and added its support for off-street parking to be utilized at SunTrust Bank.

MT. VERNON AVENUE BUSINESS AREA PLAN

Retail Marketing/Arts Promotion Strategy:

The retail market study done in conjunction with the Mt. Vernon Avenue Business Area Plan, projected demand for an additional 10 percent retail/restaurant space along the Avenue by 2010. The applicant's proposal for a restaurant expansion in this location is consistent with the plan's goals to promote business in Del Ray. The expanded restaurant will create more activity along this section of Mt. Vernon Avenue, thus contributing to the vibrancy of Del Ray.

Parking Strategy:

During the Mt. Vernon Avenue Business Area planning process, a parking utilization study was conducted to understand the current and potential future parking conditions along the avenue and to assist in formulating the appropriate parking strategies. Generally speaking, the parking study indicated that the existing parking supply along Mount Vernon Avenue is sufficient for the existing demand for parking spaces. The Plan encourages more efficient use of several underutilized off-street parking lots on the Avenue, including the SunTrust Bank parking lot where the applicant's off-street parking is proposed.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the Mount Vernon Avenue Urban Overlay zone. Section 4-103 of the Zoning Ordinance allows the proposed restaurant expansion in the overlay zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the proposal for additional seats, including additional outdoor seating. The applicant was able to secure an off-street parking arrangement at a nearby parking lot for all of its required spaces. In addition, the outdoor seating will provide a much needed vibrancy to the streetscape. While this block of Mt. Vernon Avenue is not considered the “core” commercial area as discussed in the Mt. Vernon Avenue plan, it is an area with some commercial activity that should be encouraged to improve by creating more viable businesses.

Staff is not aware of any problems with the current hours of operation of the restaurant. Special Use Permit #2004-0088 permits the restaurant to operate between the hours of 7:00am and 11:00pm Sunday- Thursday and 7:00am- 12:00am Friday and Saturday. The zoning ordinance states within the Mt. Vernon Urban Overlay Zone [Section 6-607(4)(A)] for administrative uses, the hours of operation shall be limited to between 7:00am- 10:00pm Sunday- Thursday and 7:00am- 11:00pm Friday and Saturday. The current hours of operation of Los Tios Restaurant are consistent with other restaurants on the Avenue with alcohol sales, including Fireflies, Evening Star, and Caboose Cafe. The Del Ray Civic Association has recommended that the hours of operation for Sunday-Thursday be from 7:00am- 10:00pm, which is consistent with the administrative use permit hours of operation. Staff does not object to maintaining the existing hours of operation. There have been no reported problems with these hours.

Staff recommends maintaining conditions related to noise and other impacts to reduce the potential of conflicts. Staff also recommends a one year review so that if any issues arise, they may be addressed at that time.

Although the applicant has secured an arrangement for all required parking, staff recommends a few conditions to reduce the potential for impacts on the surrounding area, including that employees park off the street and be encouraged to use public transit, that the location of the parking lot be posted in the front window of the restaurant, that promotional materials include information about parking and transit options, and that the applicant maintain an off-street parking arrangement for the required number of spaces.

In regard to exterior renovations to the business, staff recommends low-metal fencing with planters for the outdoor dining area. In addition, staff recommends removal of the existing box sign and installation of an awning and signage in accordance with the guidance provided in the Mt. Venron Avenue Building Design Guidelines. The applicant must submit and complete these exterior renovations to the restaurant, to the approval of the Director of Planning and Zoning.

Staff has contacted both the Del Ray Civic Association as well as the Potomac West Business Association regarding any comments or concerns that the organizations feel need to be addressed. The Del Ray Civic Association approved the restaurant expansion, subject to conditions that address

the number of seats, hours of operation, landscaping, and signage directing customers to the designated parking area.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be issued to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #1751-A)
2. **CONDITION AMENDED BY STAFF:** The seating capacity shall be limited to a maximum of ~~48 seats~~ 128 table seats indoors, 10 bar seats, and ~~12 seats~~ 38 seats outdoors, as requested by the applicant. (P&Z) (SUP #1447)
3. The hours of operation shall be restricted to between 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 7:00 a.m. and 12:00 midnight on Friday and Saturday. The hours of operation for the outdoor dining area shall be limited to between 8:00 a.m. to 10:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 10:00 p.m. and the area shall be cleaned and washed by 10:30 p.m. Deliveries made to the business from the rear alley shall occur only between 8:00 a.m. and 6:00 p.m. daily. (City Council) (SUP#2004-0088)
4. 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 and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2002-0046)
5. Condition deleted. (SUP#2004-0088)(P&Z)
6. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #1751-A)
7. **CONDITION AMENDED BY STAFF:** ~~Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line.~~ No outdoor speakers shall be permitted. (T&ES)(SUP#2004-0088)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #1751-A)

9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#1751)
10. Condition deleted by staff. (P&Z) (SUP #2003-0003)
11. Condition deleted by staff. (T&ES) (SUP #2003-0003)
12. Litter on the site and on public rights-of-way 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) (SUP #1751)
13. No delivery service is permitted. (P&Z) (SUP #2003-0003)
14. **CONDITION AMENDED BY STAFF: Any Improvements to the exterior of the building shall comply with the Mount Vernon Avenue Design Guidelines. The applicant shall provide a drawing of proposed improvements to the Director of Planning and Zoning prior to installation and shall implement façade improvements consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan, which shall include but not be limited to a new awning and signage and low metal fencing with planters for the outdoor dining area to the satisfaction of the Director of Planning and Zoning. (SUP#2004-0088)(P&Z)**
15. Condition deleted by staff. (P&Z) (SUP #2003-0003)
16. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey and robbery awareness program for the business. The number is 703-838-4520. (Police) (SUP #2003-0003)
17. Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)(SUP#2004-0088)
18. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)(SUP#2004-0088)

19. **CONDITION AMENDED BY STAFF:** At such time that a shared parking program has been adopted by the city council, the applicant shall participate in the program. In addition, the applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP #2002-0046)
20. The applicant shall control cooking odors and smoke from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services Health. (T&ES) (SUP#2003-0003)
21. **CONDITION DELETED BY STAFF:** ~~Business signs shall be consistent with the Mount Vernon Avenue Design Guidelines, as determined by the Director of Planning and Zoning.~~ (P&Z)(SUP#2004-0088) (*See Condition # 14*)
22. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall post signs at the front of the building directing patrons to the location of off-street parking to the satisfaction of the Director of Planning and Zoning. (P&Z)(SUP#2004-0088) (PC)
23. 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 a 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#2004-0088)
24. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z)(SUP#2004-0088)
25. Condition deleted. (P&Z)(SUP#2004-0088)
26. The applicant shall maintain the dumpster screening in good condition, to the satisfaction of the Director of Planning and Zoning. (P&Z)(SUP#2004-0088)

27. No dumpster service is permitted before 8:00 a.m. (PC) (SUP#2003-0003)
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#2004-0088)
29. **CONDITION AMENDED BY STAFF:** ~~The applicant shall maintain an off-street parking arrangement with the SunTrust Bank, or a reasonably equivalent arrangement to the satisfaction of the Director of Planning and Zoning, for the number of spaces as required by the zoning ordinance for the use.~~ The applicant shall provide at least 40 off-street parking spaces through an agreement with the SunTrust Bank located at 2809 Mt. Vernon Avenue. If this agreement changes in any manner, the applicant will provide the city with evidence that he has secured the required number of off-street parking spaces at another location or he must apply for a parking reduction. (T&ES) (P&Z)(SUP#2004-0088)
30. Advertising and promotional material for the restaurant shall include information about parking and public transit options. (P&Z)(SUP#2004-0088)
31. **CONDITION AMENDED BY STAFF:** Outside dining facilities are permitted in front of the restaurant along Mount Vernon Avenue, and shall not encroach upon the public right-of-way unless authorized by an encroachment ordinance. (P&Z)(SUP#2004-0088)
32. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)(SUP#2004-0088)
33. Any enclosure of the outdoor seating area shall be reviewed and approved by the Director of Planning and Zoning prior to installation. (P&Z) (SUP#2004-0088)
34. Approval of the requested number of seats is contingent upon the applicant's compliance with all Code requirements. (P&Z)(SUP#2004-0088)

35. **CONDITION ADDED BY STAFF:** The applicant shall remove the existing box sign from the exterior of the subject building. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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.
- R-1 The applicant shall provide at least 40 off-street parking spaces through an agreement with the SunTrust Bank located at 2809 Mt. Vernon Avenue. If this agreement changes in any manner, the applicant will provide the City with evidence that he has secured the required number of off-street parking spaces at another location or he must apply for a parking reduction.
- R-2 Identify the location of the employee parking and provide a study to support the availability of 30 off site parking spaces.
- R-7 Provide a more detail sketch of the site with street frontages clearly shown and location of the outside dining area shown.
- F-1 There is an existing bus stop at the corner of Mt. Vernon Ave and Randolph St. which appears to be at the property frontage. This bus stop shall remain intact and will not be relocated at any time in the future.

Code Enforcement:

- F-1 The proposed operation requires the removal of a partition wall between separate use groups and a change of use for the new tenant space requested by the applicant.
- C-1 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 119.1).
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by

the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

- C-3 The addition of seating results in a change of use group classification. A new Certificate of Occupancy is required prior to re-opening (USBC 119.1).
- C-4 A revised fire prevention code permit is required for the proposed intensification of operation.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3
- C-6 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-7 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Health Department:

- F-1 This facility is currently operating as Los Tios Grill under an Alexandria health permit, issued to German Mejio.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.

- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-4 Permits and/or approval must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.
- F-2 After reviewing the calls for police service for the above addresses, the Police Department has no objections to the expansion.

- Revised -

REVISED

APPLICATION for SPECIAL USE PERMIT # ~~2006-0005~~ 2006-0002

[must use black ink or type]

PROPERTY LOCATION: 2615-2617 MOUNT VERNON AVENUE, ALEXANDRIA, VA 22301

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: GERMAN MEJIA/MEJIA BROTHERS, INC DBA LOS TIOS GRILL

Address: 2615-2617 MOUNT VERNON AVENUE, ALEXANDRIA, VA 22301

PROPERTY OWNER Name: POTOMAC WEST REALTY

Address: 4290 NEITZEL PLACE, ALEXANDRIA, VA 22309

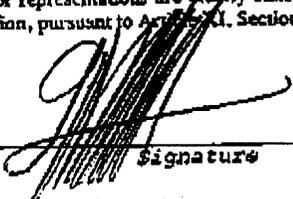
PROPOSED USE: 2615-2617

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby swears that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

GERMAN MEJIA
Print Name of Applicant or Agent


Signature

2615-2617 MOUNT VERNON AVE
Mailing/Street Address

(703) 299-9290
Telephone # Fax #

ALEXANDRIA, VA 22301
City and State Zip Code

02/09/2006
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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Special Use Permit # 2006-0002

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All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

GERMAN MEJIA -1223 TENNESSEE DRIVE NE, LEBESBURG, VA 20176

JESUS ARMANDO MEJIA-9263 GLEN MEADOW LANE, BRISTON, VA 20136

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

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USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

CLIENTS PER DAY WILL BE BETWEEN 48 TO 65

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

WE EXPECT TO HAVE 12-15 EMPLOYEES

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

N/A

10:00 AM TO 12:00 PM

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

OUR EQUIPMENT DO NOT MAKE ANY NOISES. WE DO NOT ANTICIPATED NOISE AT ALL.

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B. How will the noise from patrons be controlled?

WE DO NOT EXPECT NOISE FROM PATRONS. PLEASE NOTE THAT 90% OF OUR
PATRONS ARE FAMILY GROUP WHOM COME AND ENJOY. IN CASE OF ANY NOISE
WE WILL HIRE A SECURITY GUARD.

8. Describe any potential odors emanating from the proposed use and plans to control them:

NONE

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

SUCH AS FOOD, PAPERS, EMPTY BOTTLE AND SO ON.

B. How much trash and garbage will be generated by the use?

AT THE PRESENT TIME WE COLLECT 7 TRASH BAGS A DAY AND WE
EXPECT AT LEAST 8 to 10 TRASH BAGS

C. How often will trash be collected?

TWICE A WEEK

D. How will you prevent littering on the property, streets and nearby properties?

EMPLOYEES WILL CHECK TRASH CONTAINERS EVERY 3 HOURS

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- 10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

NONE

- 11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

NONE

- 12. What methods are proposed to ensure the safety of residents, employees and patrons?

WE WILL MAKE SURE TO HAVE FIRE EXTINGUISHER AVAILABLE AND VISIBLE FOR OUR PATRONS.

ALCOHOL SALES

- 13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

BEER, WINE, AND MIXED BEVERAGE ON PREMISES

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PARKING AND ACCESS REQUIREMENTS

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14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

40 PARKING SPACES OFF SITE

B. How many parking spaces of each type are provided for the proposed use:

40 Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

SUNTRUST BANK - 2809 MOUNT VERNON AVENUE

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? ONE

B. How many loading spaces are available for the use? ONE

C. Where are off-street loading facilities located? FRONT OF PREMISES

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D. During what hours of the day do you expect loading/unloading operations to occur?

9:00 AM TO 11:00 PM

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

MOST OF TIME OCCURS 3 TO 4 TIMES A WEEK

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

2,184 sq. ft. (existing) + 2,280 sq. ft. (addition if any) = 4,464 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 166 At a bar: 10 Total number proposed: 176

2. Will the restaurant offer any of the following?

alcoholic beverages beer and wine (on-premises)
 beer and wine (off-premises)

3. Please describe the type of food that will be served:

Mexican & Salvadorean food

4. The restaurant will offer the following service (check items that apply):

table service bar carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

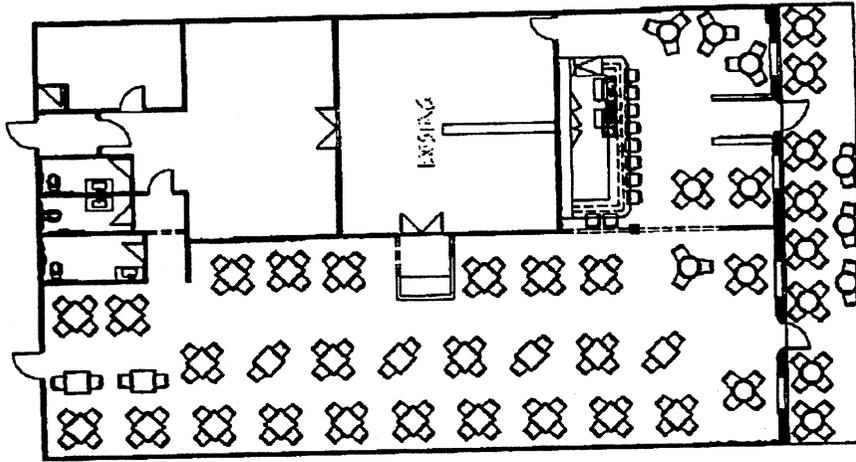
Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. No.

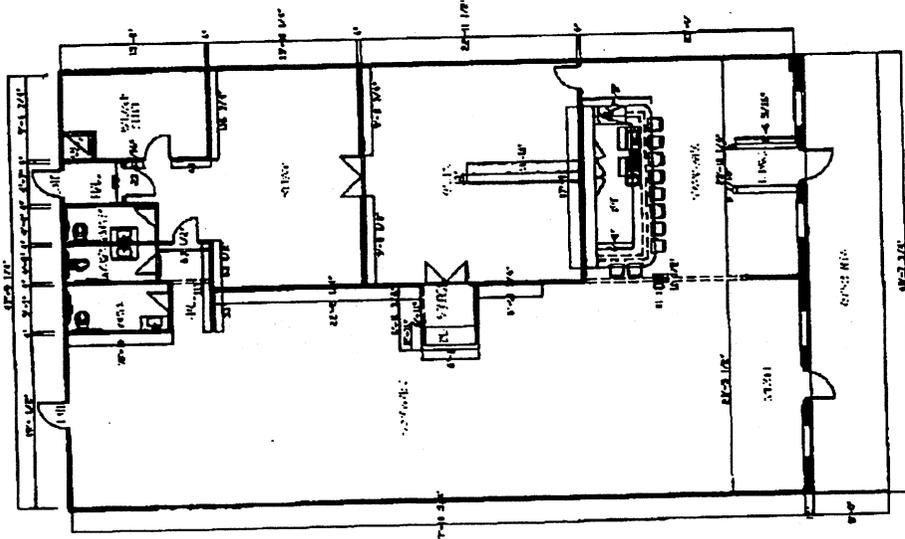
If yes, please describe: Private parties ~~(birthdays)~~ (Birthdays and anniversaries, etc.)

LOS TIOS RESTAURANT
BUCARATI RESTAURANT

REMARKS:



FURNITURE PLAN



FLOOR PLAN

REVISED

City of Alexandria



Legend

- Selected Features
- Address Points
- Metrorail Stations
- Road Centerlines
- Roads
- - - Metrorail Tracks
- +++ Railroads
- Buildings
- Parcels

Map Produced: 0/11/2006

25

SUNTRUST

2809 Mt. VERNON AVE
ALEXANDRIA VA, 22301

January 30, 2006

TO Whom It May Concern:

This letter is to inform you that you may use forty parking spaces in our parking lot, you may also be aware that any accidents or fender-bender that your patrons may cause, Los Tios Restaurant fully take responsibility.

Should you need more information or clarification on how your patrons may make use the parking spaces, please do not hesitate to contact me at 703-299-6482-or Dean Sosa 703-838-3069


MARIA R. REED
BRANCH ASST. MANAGER
2809 MT VERNON AVE
MT VERNON AVE

26

City of Alexandria, Virginia

MEMORANDUM

DATE: March 9, 2006

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN FOGARTY, DIRECTOR *EF*
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: SUP#2006-0002 Los Tios Grill Expansion

In discussion with the applicant, they have agreed to the following amended condition:

14. **CONDITION AMENDED BY STAFF:** Any Improvements to the exterior of the building shall comply with the Mount Vernon Avenue Design Guidelines. The applicant shall provide a drawing of proposed improvements to the Director of Planning and Zoning prior to installation and shall implement façade improvements consistent with the Design Guidelines of the Mt. Vernon Avenue Business Area Plan, which shall include but not be limited to a new awning and signage and low metal fencing with planters for the outdoor dining area to the satisfaction of the Director of Planning and Zoning.
(SUP#2004-0088)(P&Z)

Del Ray Citizens Association

PO Box 2233

Alexandria VA 22301

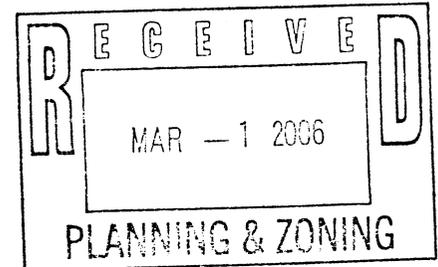
Established 1954

To: Eileen Fogarty, Director, Office of Planning and Zoning
Members of Alexandria Planning Commission

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Laurie MacNamara, President

Date: February 28, 2006

Subject: Docket item #12 Special Use Permit #2006-0002
Los Tios Grill at 2615 & 2617 Mt. Vernon Ave.
Consideration of a request for a special use permit to expand an existing restaurant
Zoned CL/Commerical Low and subject to the Mount Vernon Avenue Urban Overlay.
Applicant: Mejia Brothers, Inc. by Mariela Garrido



At the Land Use committee meeting of February 21, 2006 we discussed the application. The business owner, Mr. German Mejia was interviewed immediately preceding the meeting in lieu of attending. The item was announced in the Association newsletter.

Mr. Mejia requests a change of use for #2617, Botanica - a 2,280 sq. ft retail space, to expand his restaurant. Currently Los Tios occupies 2,184 sq. ft adjacent to Botanica. Both uses are housed in a single story commercial building divided into 4 tenant spaces located mid-block between Stewart and Randolph Avenues. Happy Dollar and R&R Venetian Blinds lie immediately to the north. Other commercial uses lie to the south, residential uses to the east, and Mount Vernon Community School to the west. A bus stop is at the north end of the block face.

DRCA supported a request for Los Tios in October 2004 to intensify the restaurant from 24 seats indoor only to 60 seats (48 indoor and 12 outdoor), hours of operation 6:00am – 10:00pm daily (per applicants' request), and a Mixed beverage ABC license but no dedicated seating at a bar. We also recommended live non-amplified music be allowed.

Unbeknownst to us, the item was pulled from the Consent docket and the hours amended by Councilman Krupicka to reflect hours similar to other operations: Sunday-Thursday 6:00am-11:00pm, Friday & Saturday 6:00am-midnight, outdoor dining to be cleared of patrons by 10:00pm.

Leasing the adjacent space allows a significant expansion of a popular restaurant. Mr. Mejia has applied for 176 seats (indoor seating for 128 at tables, 10 at a bar and 38 seats outdoors). The hours of operation will remain the same: 7:00am to 11:00pm, Sunday-Thursday and 7:00am to midnight, Friday & Saturday. As proposed, Los Tios will be the largest restaurant operation on the Avenue.

The discussion touched on several issues.

Hours of operation.

LU was confused by the hours of operation as stated in the SUP on file. Staff concurs; a recording error shaves an hour from the opening time and includes erroneous language. In general, LU objects to operations that encourage activity disruptive to the surrounding residential neighborhood in excess of the city's noise ordinance, particularly Sunday-Thursday. LU could support dedicated seating at a bar if the hours of operation are curtailed so not to be a nuisance to the residents. We believe a closing hour of 10:00PM weeknights allows sufficient time for the majority of activity to comply with the noise ordinance. Mr. Mejia does not object to our recommendation, as it does not interfere with his planned operation.

Parking.

The site precludes parking on the property; to meet the requirement it must depend on off-site parking. Fortunately, Mr. Mejia has secured permission to use 40 spaces at a lot within 500' of the restaurant; spaces we anticipate will be used most heavily in the evening and should not conflict with SunTrust Bank's and ASAP Printing's use during the day. In addition, we believe First Agape Church has designated the lot to fulfill a parking requirement for their ministry. Approximately 200' of parking (10 spaces) serves commercial uses in the immediate block face. Two hour parking restrictions exist along both sides of Mt. Vernon Avenue although parking adjacent to the school has additional and confusing restrictions; a request made by Ms. Pat Miller (SUP2004-0088) to investigate has not been addressed by T&ES. Overall, the site currently has no major conflicting commercial uses in the block face in the evening. Should restriction remain unchanged, we expect competition for parking will be acute during the summer when the Mt. Vernon Recreation Center ball fields are in use.

LU continues to make the point that the Avenue has on-street parking restrictions or impediments that are less than favorable. But, we reject a suggestion for the applicant to provide valet parking during peak periods. We believe the additional congestion it would create would not provide sufficient benefit. Instead we suggest an amendment to Condition #22 regarding the location of signs at the front of the building, directing patron to the designated parking lot.

Outdoor seating area.

LU discussed the style of barrier used to designate the outdoor seating area. Opinions varied but we agree that no restaurant-related equipment or amenities should encroach upon the public right of way, it should be enhanced with plantings, and that Condition #22 should be amended to locate said sign to the exterior seating area in a manner so to be visible from passing vehicles.

The LU committee and the Executive Board recommend support the application.

In addition to all existing conditions, conditions of The Overlay Zone, and those normally requested by staff, we ask the following language be included:

1. The total interior seating shall not exceed 138 and the bar seating shall not exceed 10.
2. The hours of operation shall be 7:00am to 10:00pm, Sunday thru Thursday, 7:00am to midnight, Friday and Saturday and until midnight an additional four time per year.
3. The outdoor seating area shall include landscape plantings and be to the satisfaction of the Director of Planning and Zoning.
4. Signs directing patrons to the off-site parking site shall be posted on the outdoor seating enclosure, visible from the street, and to the satisfaction of the Director of Planning and Zoning.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Laurie MacNamara at 703-519-9410, Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.

9
3-18-06

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 16, 2006

TO: MAYOR WILLIAM D. EUILLE

FROM: EILEEN P. FOGARTY, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING *EF 01/05*

SUBJECT: LOS TIOS RESTAURANT, 2615-2617 MOUNT VERNON AVENUE, SUP #
2006-0002

This is to request that the above item, scheduled to be heard by the City Council at their March 18, 2006 public hearing, be moved to the consent calendar. The applicant, community, Planning Commission and staff are all in agreement on hours of operation of the restaurant, which was the only outstanding issue before the Planning Commission. The hours of operation of the restaurant, as proposed, are 7am-11pm Sunday-Thursday, 7am-12am Friday-Saturday and 8am-10pm daily for outdoor dining.

Thank you for your consideration in this matter.

cc: James Hartmann, City Manager

Del Ray Citizens Association

9
3-18-06

PO Box 2233

Alexandria VA 22301

Established 1954

To: Honorable Members of City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Laurie MacNamara, President
Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair

Date: March 16, 2006

Subject: Special Use Permit #2006-0002
Los Tios Grill at 2615 & 2617 Mt. Vernon Ave.
Consideration of a request for a special use permit to expand an existing restaurant.
Zoned CL/Commerical Low and subject to the Mount Vernon Avenue Urban Overlay.
Applicant: Mejia Brothers, Inc. by Mariela Garrido

At our regular meeting of March 13, 2006, the membership voted to support the application with conditions as amended by the Planning Commission on March 9.

The membership discussed the 10:00PM Sunday - Thursday closing as proposed by the Land Use committee and Executive Board so that those bodies may knowingly and more accurately reflect membership wishes in the future.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Laurie MacNamara at 703-519-9410 and Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.

Subj: **Los Tios Restaurant - Docket Item #9**
Date: 3/17/2006 8:54:23 A.M. Eastern Standard Time
From: Jackie.Henderson@alexandriava.gov
To: alexvamayor@aol.com, delpepper@aol.com, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, council@joycewoodson.net
CC: Michele.Evans@alexandriava.gov, Jim.Hartmann@alexandriava.gov, Eileen.Fogarty@alexandriava.gov, Richard.Josephson@alexandriava.gov, Gloria.Sitton@alexandriava.gov

We received a memo from the Planning Department requesting that the Los Tios Restaurant SUP - docket item #9 for Saturday - be moved to the consent calendar, as the applicant, community, Planning Commission and staff are all in agreement on the hours of operation of the restaurant, which was the only outstanding issue before the Planning Commission.

A copy of the memo will be at your places on Saturday.

Jackie M. Henderson
City Clerk and Clerk of Council
City of Alexandria, Virginia

*This will be moved to
Consent Calendar
Sat. March 18th*

*180
3/17*

- Revised -

REVISED

APPLICATION for SPECIAL USE PERMIT # ~~2006-0005~~ 2006-0002

[must use black ink or type]

PROPERTY LOCATION: 2615-2617 MOUNT VERNON AVENUE, ALEXANDRIA, VA 22301

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: GERMAN MEJIA/MEJIA BROTHERS, INC DBA LOS TIOS GRILL

Address: 2615-2617 MOUNT VERNON AVENUE, ALEXANDRIA, VA 22301

PROPERTY OWNER Name: POTOMAC WEST REALTY

Address: 4290 NEITZEL PLACE, ALEXANDRIA, VA 22309

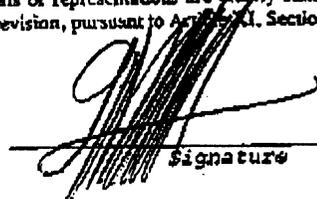
PROPOSED USE: 2615-2617

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

GERMAN MEJIA
Print Name of Applicant or Agent


Signature

2615-2617 MOUNT VERNON AVE
Mailing/Street Address

(703) 299-9290
Telephone # Fax #

ALEXANDRIA, VA 22301
City and State Zip Code

02/09/2006
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$

ACTION - PLANNING COMMISSION: Recommended approval with amendments 5-0 3/9/06

ACTION - CITY COUNCIL: 3/18/06 - CC approve PC recommendation 7-0

07/20/09 p:\a\m\j\spc-app\Forms\app-cpl

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