

Docket Item #5
SPECIAL USE PERMIT #2008-0059

Planning Commission Meeting
October 7, 2008

- ISSUE:** Consideration of a request for a special use permit to operate a restaurant with a parking reduction.
- APPLICANT:** Jose Dominguez & Oscar Bermudez
- STAFF:** Nathan Randall
nathan.randall@alexandriava.gov
- LOCATION:** 1310 Mt. Vernon Ave.
(Parcel Address: 1302 Mt. Vernon Ave.)
- ZONE:** CL/Commercial Low

PLANNING COMMISSION ACTION, NOVEMBER 6, 2008: On a motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, with amendments to Condition #15 and the addition of Condition #32, and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0, with Chairman Wagner absent.

Reason: The Planning Commission generally agreed with the staff analysis but recommended adding language to Condition #15 regarding parking lot lighting and the protection of a neighboring fence. The Commission also recommended adding Condition #32 to better inform restaurant patrons of the parking lot located behind the building.

Speakers:

Cathryn Mitchell, 304 E. Luray Ave, represented herself and her neighbors in the 300 block of E. Luray Ave. She expressed concerns about the proposed restaurant and parking reduction. She noted lack of parking due to existing businesses and commuter parking and asked for zoned parking. She believed there would be increased traffic and asked for a new stop sign at Luray & Ramsey. She noted a few concerns regarding the design of the expanded parking lot, including stormwater run-off and the need to protect her fence. She also expressed concerns about rodent control and garbage storage.

Amy Slack, representing the Del Ray Land Use Committee and the Del Ray Executive Committee, noted that many initial concerns have been addressed in the staff report but that a few still remain. She believed that the parking lot design initially proposed by the applicant did not address certain issues such as a grassy buffer and dumpster location. She also asked that

lighting be placed around the building, but that it be directed downward in consideration of neighboring properties.

Jose Dominguez, owner of the business, and Jackson Prentice, property owner's representative, represented the application.

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



SUP #2008-0059

10/07/08



I. DISCUSSION

REQUEST

The applicants, Jose Dominguez and Oscar Bermudez, request special use permit approval for the operation of a restaurant with a parking reduction located at 1310 Mt. Vernon Ave.

SITE DESCRIPTION

The subject property is one lot of record with 100 feet of frontage on Mt. Vernon Ave., 122 feet of frontage on E. Luray Ave., and a total lot area of 12,314 square feet. The site is developed with a one-story commercial building with five tenant spaces. Currently, two hair salons, a dry cleaning business, and a Chinese restaurant are tenants in the building. Access to the property is from Mt. Vernon Ave.



The surrounding area is occupied by a mix of residential and office uses. Immediately to the north is the Verizon office building. To the south and west are single-family residences. To the east is a mix of single-family and multi-family residences. Several retail establishments, including restaurants, are located approximately two blocks north on Mt. Vernon Ave.

BACKGROUND

On March 23, 1996, City Council approved SUP#96-0002 for the operation of a yoga studio with parking reduction at this location. The most recent occupant of this space was an art & rug gallery.

PROPOSAL

The applicant proposes to operate an Italian restaurant with up to 44 total seats, with 28 seats located inside and 16 located outside. The applicant proposes on-premises alcohol sales. The restaurant will include a small bar and television, but no live entertainment is proposed. As of October 23, 2008, the applicants have not decided whether to voluntarily agree to prohibit smoking inside their restaurant or in their outdoor dining area.

Hours: Monday, 4:00PM – 11:00PM
Tuesday – Sunday, 11:00AM – 11:00PM

Number of seats: 28 Indoor Seats
16 Outdoor Seats
44 Total Seats

- Type of Service: Table service, bar service, and carry-out service will be offered.
- Alcohol: The applicant proposes on-premises alcohol sales.
- Noise: Minimal noise expected. Mechanical unit at building will be insulated.
- Trash/Litter: Garbage will be collected twice weekly or as needed.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 44 seats will be required to provide 11 off-street parking spaces. Since this location is located outside the Mt. Vernon Urban Overlay District, Section 6-604(B) of the Zoning Ordinance, which exempts a restaurant's first 16 outdoor seats, does not apply.

The parking lot located behind the five-unit commercial building currently has seven parking spaces. The applicant proposes to enlarge and reconfigure the lot to achieve a total of 11 parking spaces. The four new parking spaces would be added to two existing spaces for a total of six parking spaces designated for the proposed Italian restaurant. Thus the effective parking reduction for this use would be five spaces.

The four other tenants at 1302-1310 Mt. Vernon Avenue have a parking requirement of 11 spaces. When combined with the 11 parking spaces required for the proposed Italian restaurant, the total parking requirement on site is 22 spaces. The specific parking requirements for each tenant at 1302-1310 Mt. Vernon Ave are as follows:

| | | |
|------------------------------------|-----------------|------------------|
| South China Restaurant | 20 Seats | 5 spaces |
| Hands in Motion Hair Salon | 960 Sq. Ft. | 0 spaces* |
| Madison Dry Cleaners | 960 Sq. Ft. | 3 spaces |
| Ultimate Styles Barber & Beauty | 960 Sq. Ft. | 3 spaces |
| <i>Proposed Italian Restaurant</i> | <i>44 Seats</i> | <i>11 spaces</i> |
| Total Required | | 22 spaces |

*Hair salon has been continuously operating at this location since 1963 and is exempt from parking requirements.

The proposed 11-space parking lot would only accommodate half of the required 22 spaces for the five businesses at 1302-1310 Mt. Vernon Ave. Although the effective parking reduction sought by the applicant is five, the actual parking reduction the applicant needs is 11 spaces when accounting for the existing parking deficit on site.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL / Commercial Low zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL 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 low-density commercial uses.

II. STAFF ANALYSIS

Staff supports the applicants' request for the operation of a restaurant with parking reduction at this location. The restaurant is a reasonable and appropriate use for this neighborhood. The location is slightly removed from the major commercial corridor along Mt. Vernon and mostly surrounded by residential uses, but staff believes that, if approved, the conditions listed in Section III of this report would sufficiently mitigate potential impacts of the restaurant. This includes a condition requiring trash pickup at least three times per week, as opposed to the applicants' proposal of twice per week, since no large dumpsters are planned for garbage storage.

The applicants request a parking reduction in order to accommodate an Italian restaurant of up to 44 seats. Effectively this parking reduction would be for five spaces, which is the difference between the requirement of 11 spaces and the six spaces the property manager will make available to the proposed restaurant upon the expansion of the parking lot as required in recommended Condition #15 of this report. However, because the existing uses also require a combined 11 parking spaces, for an overall total of 22, the actual parking reduction the applicants seek must be for all 11 spaces required for their proposed restaurant.

Staff believes that a parking reduction of this size is justified. First, if the parking exemption for the Mt. Vernon Avenue Urban Overlay zone did apply to the proposed 16 outdoor dining seats, the parking requirement would be reduced by 4 spaces. The proposed restaurant is located just outside of the boundaries of the Mt. Vernon Urban Overlay District but may still be considered a part of the Del Ray neighborhood. Second, staff agrees with the applicants' assertion that that an additional reduction is justified because the proposed restaurant is close to public transportation. It is reasonable to believe that some portion of restaurant patrons would be neighborhood residents walking, biking, or taking the bus to and from the location.

While staff acknowledges that the parking reduction incorporates the parking deficit from the existing businesses at the commercial building that are out of compliance with regard to parking, this has been done previously for 1310 Mt. Vernon Avenue. SUP#96-0002 approved a parking reduction of 11 spaces for a yoga studio. With the proposed addition of four parking spaces for the parking lot behind the commercial building, no existing businesses will lose parking spaces allocated to them from the property manager.

It should also be noted that the applicants' parking reduction request is smaller than that of the closest nearby restaurant. Fireflies, located at 1501 Mt. Vernon Avenue, currently has a parking reduction of 19 spaces, with 25 required and six provided. For the sake of comparison, the proposed restaurant seeks a parking reduction of 11 spaces (due to the existing deficit for existing uses) with 11 required and six actually provided.

Staff recommends approval of the Special Use Permit request, subject to the conditions listed in Section III of this report.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** of the Special Use Permit request, subject to compliance with all applicable codes and ordinances and the following conditions:

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 hours of operation of the restaurant shall be limited to between 11:00AM and 11:00PM, seven days/week. (P&Z)
3. The total number of seats at the restaurant shall not exceed 44. (P&Z)
4. A maximum of 16 seats may be located at outdoor tables in front of the restaurant. (P&Z)
5. Outdoor dining, including all its components such as planters, wait stations, and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)
6. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)
7. A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, and other components to be located within the area, and such additional information as the Director may reasonably require. (P&Z)
8. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
9. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
10. No off-premises alcohol sales shall be allowed. (P&Z)

11. No food, beverages, or other material shall be stored outside. (P&Z)
12. Live entertainment shall not be provided either inside the restaurant or within the outdoor dining area. (P&Z)
13. Loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
14. Food or drink items ordered before the closing hour may be sold, 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)
15. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall enlarge the existing parking lot located behind the building to accommodate a total of 11 parking spaces to the satisfaction of the Director of Planning & Zoning prior to the opening of the restaurant. Additional lighting in the parking lot and around the building shall be directed downward. The property owner shall indemnify the owner of the existing fence located between the subject property and 304 E. Luray Ave. against any damage associated with the use of the parking lot at the subject property. Shrubbery located on the subject property between the existing fence and E. Luray Avenue that is removed to enlarge the parking lot shall be replaced to the satisfaction of the Director of Planning & Zoning within one month following the completion of the parking lot enlargement. (P&Z)(PC)
16. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
17. 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)(T&ES)
18. 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)
19. Garbage generated by the restaurant shall be removed from the premises at least three times per week. (P&Z)
20. 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. If garbage is stored outside in closed containers, said containers must be located within a fenced or screened area on the property or inside the existing shed on the property. (P&Z)

21. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
22. 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)
23. Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
24. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
25. 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)
26. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
27. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
28. Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed. (Parks)
29. The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1008 Jefferson St. within 60 days of City Council approval. (Parks)
30. 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 and robbery readiness training for all employees. (Police)
31. The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and again once it has been operational for one year, and at either time 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)(Police)

32. **CONDITION ADDED BY PLANNING COMMISSION:** The applicants shall post a sign inside the restaurant, visible from outside the restaurant, informing patrons of the availability of parking spaces in the parking lot behind the building. Advertising for the restaurant shall mention the availability of parking behind the building. (PC)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Nathan Randall, 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:

- F-1 T&ES has no objections to the parking reduction. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 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-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-6 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)
- R-7 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-8 The applicant shall require its employees who drive to 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)

- 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).
- C-2 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)

Code Enforcement:

- C-1 The current use is classified as F-1; the proposed use is A-2. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

- C-7 The following code requirements apply where food preparation results in the development of grease laden vapors:
- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-8 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C-9 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 116.1).
- C-10 The USBC limits the occupant loading for this area to 15 square feet per person.
- C-11 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
- The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

Health Department:

- C-1 An Alexandria Health Department permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, food and food Establishments. There is a

\$135.00 fee for review of plans for food facilities.

- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- R-1 Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed.
- R-2 The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1008 Jefferson St. within 60 days of City Council approval.
- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

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 robbery readiness training for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.
- F-2 The Police Department requests that this SUP is reviewed after six months and then again at its one year mark. This request is made to ensure that the business is not attempting to open a "sports bar."



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0059

PROPERTY LOCATION: 1310 Mt Vernon Ave. Alex. Va. 22301

TAX MAP REFERENCE: 043.04-05-02 ZONE: CL

APPLICANT:

Name: Jose W Dominguez & Oscar M Bermudez

Address: 2946 Hickory street Alex. Va. 22305

PROPOSED USE: Restaurant

[] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[] **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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Jose W. Dominguez
Oscar M. Bermudez
Print Name of Applicant or Agent
2946 Hickory street
Mailing/Street Address
Alexandria Va 22305
City and State Zip Code

Jose W. Dominguez 7-29-08
[Signature] Date
(202) 345-5360 (202) 466-5015
Telephone # Fax #
Josewd@verizon.net
Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____
ACTION-CITY COUNCIL: _____ DATE: _____

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

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

- Requesting a waiver. See attached written request.
- Required floor plan and photos plan attached.

1. Floor Plans and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1310 Mt. VERNON Ave Alex. Va. 22301 I hereby

(Property Address)

grant the applicant authorization to apply for the Restaurant use as

(use)

described in this application.

Name: MYRNA R HART

Please Print

Address: 25 KNOXWOOD DRIVE
GRESHAM VA CT 06830

Signature: Myrna R. Hart

Date: JULY 29, 2008

Phone: 803-661-3021

Email: MCR77@AOL.COM

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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

[x] **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

ITALIAN RESTAURANT/PIZZERIA & BAR

THE BAR WILL SERVE WINE, BEER & MIX DRINKS

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an 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).

50 people

a. Lunch 1hr. b. Dinner 2 hrs.

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

a. 7 employees - first shift 8:00 am - 4:00 pm

b. 7 employees - second shift 4:00 pm - ^{10:00 pm} close
11:00 pm

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

| | |
|----------------------------|--|
| Day: | Hours: |
| <u>Monday Dinner only</u> | <u>11:00</u> <u>10:00 pm</u> <u>4:00 pm - close</u> |
| <u>Tue - Sunday Lunch</u> | <u>11:00 am - 3:00 pm</u> |
| <u>Tue - Sunday Dinner</u> | <u>10:00 pm 11:00 pm</u> <u>4:00 pm - close</u> |

7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

The proposed mechanical unit will meet the
required or acceptable noise level by the local
jurisdiction / Code.

- B. How will the noise be controlled?
- The structure around the equipment will be
insulated to eliminate the noise level

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

The major piece of equipment w/ potential odors will be
the deep fryer. The odors will be controlled through
the hood w/ filter system

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? (i.e. office paper, food wrappers)

food residual and vegetables

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

2-3 bags a day

C. How often will trash be collected?

The trash will be collected twice a week
or as need it

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

We would ensure to clean our premises on
a daily basis

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:

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:

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

The area is well illuminated and has a lot of foot traffic

ALCOHOL SALES

13.

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

Yes [] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Beer, wine and mixed drinks

PARKING AND ACCESS REQUIREMENTS

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

- 3 ✓ Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

| |
|---|
| Planning and Zoning Staff Only |
| Required number of spaces for use per Zoning Ordinance Section 8-200A _____ |
| Does the application meet the requirement? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No |

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

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

PLEASE NOTE: 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.

C. 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.

Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? 1

| |
|--|
| Planning and Zoning Staff Only |
| Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____ |
| Does the application meet the requirement? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No |

B. Where are off-street loading facilities located? Rear of the building parking area

C. During what hours of the day do you expect loading/unloading operations to occur? 8:00 - 10:30 am

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

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? The existing access is adequate, no improvements required

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? 1,150 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1,150 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: stand alone building with (4) different bussines - see attached site plan

End of Application



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

The existing building site is being shared with (4) other users. The proposed space is provided with (3) parking spaces only.

2. Provide a statement of justification for the proposed parking reduction.

The area permits street parking - plus the site is close to metro station

3. Why is it not feasible to provide the required parking?

At this point in time is not feasible. However, in the near future the owner is proposing to modify the parking arrangement.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

Yes. No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

SUP # 2008-0059
Admin Use Permit # _____



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

- How many seats are proposed?
Indoors: ~~26~~ 32 Outdoors: 18 Total number proposed: ~~44~~ 50
- Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) _____ Yes _____ No
Beer and wine — on-premises ✓ Yes _____ No
Beer and wine — off-premises _____ Yes _____ No
- Please describe the type of food that will be served:
Italian food - See attached menu
Pizza
- The restaurant will offer the following service (check items that apply):
✓ table service ✓ bar ✓ carry-out _____ delivery
- If delivery service is proposed, how many vehicles do you anticipate? N/A
Will delivery drivers use their own vehicles? _____ Yes _____ No
Where will delivery vehicles be parked when not in use?

- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
✓ Yes _____ No
If yes, please describe:
Large screen television

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 100%
 75-99%
 50-74%
 1-49%
 No parking can be accommodated off-street

2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 All
 75-99%
 50-74%
 1-49%
 None

3. What is the estimated peak evening impact upon neighborhoods? (check one)
 No parking impact predicted
 Less than 20 additional cars in neighborhood
 20-40 additional cars
 More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

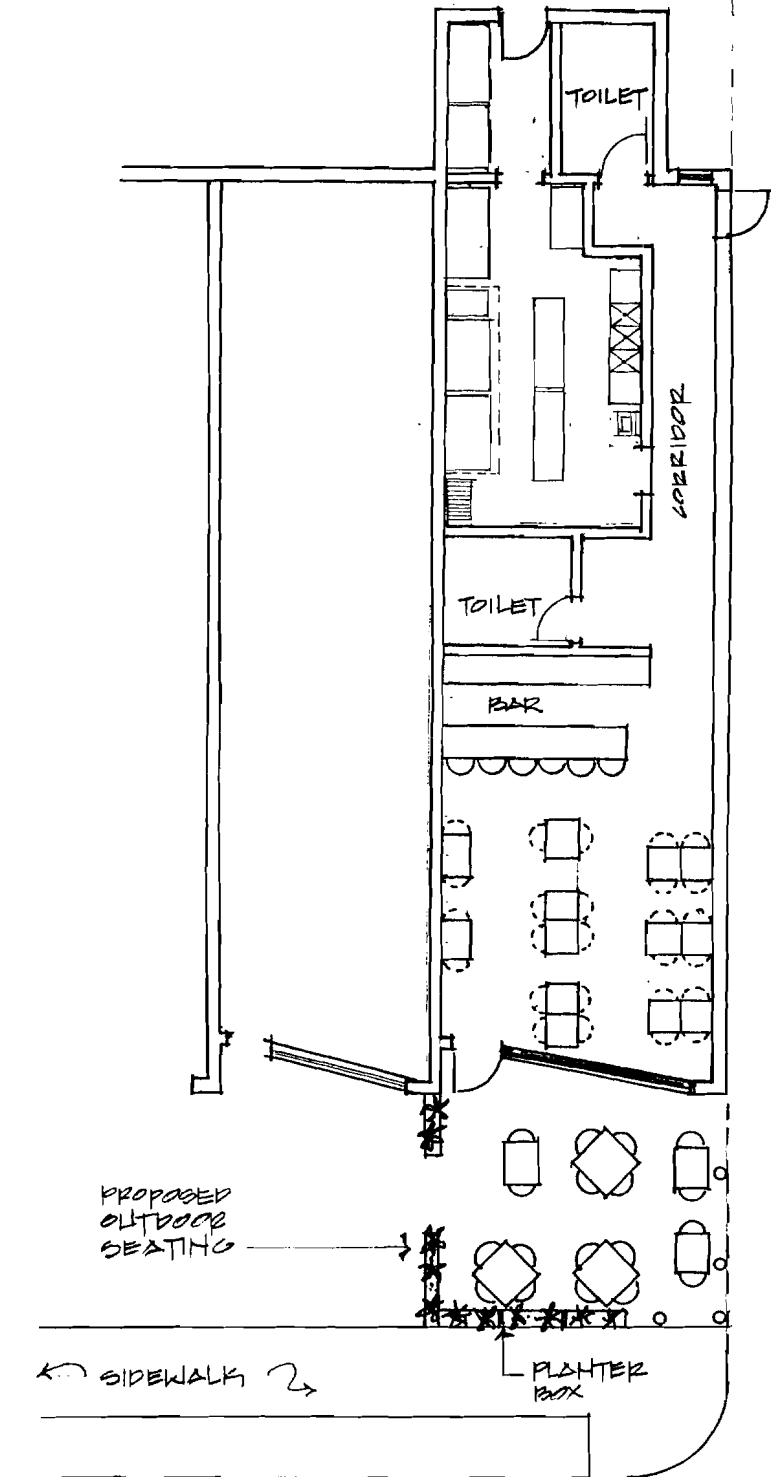
1. Maximum number of patrons shall be determined by adding the following:
$$\begin{array}{r} \underline{44} \text{ Maximum number of patron dining seats} \\ + \underline{6} \text{ Maximum number of patron bar seats} \\ + \text{ Maximum number of standing patrons} \\ = \underline{50} \text{ Maximum number of patrons} \end{array}$$

2. 7 Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 Closing by 8:00 PM
 Closing after 8:00 PM but by 10:00 PM
 Closing after 10:00 PM but by Midnight
 Closing after Midnight

4. Alcohol Consumption (check one)
 High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food

REAR PARKING



1310 MT. VERNON AVE.
ALEXANDRIA, VA 22301

← ALLEY →

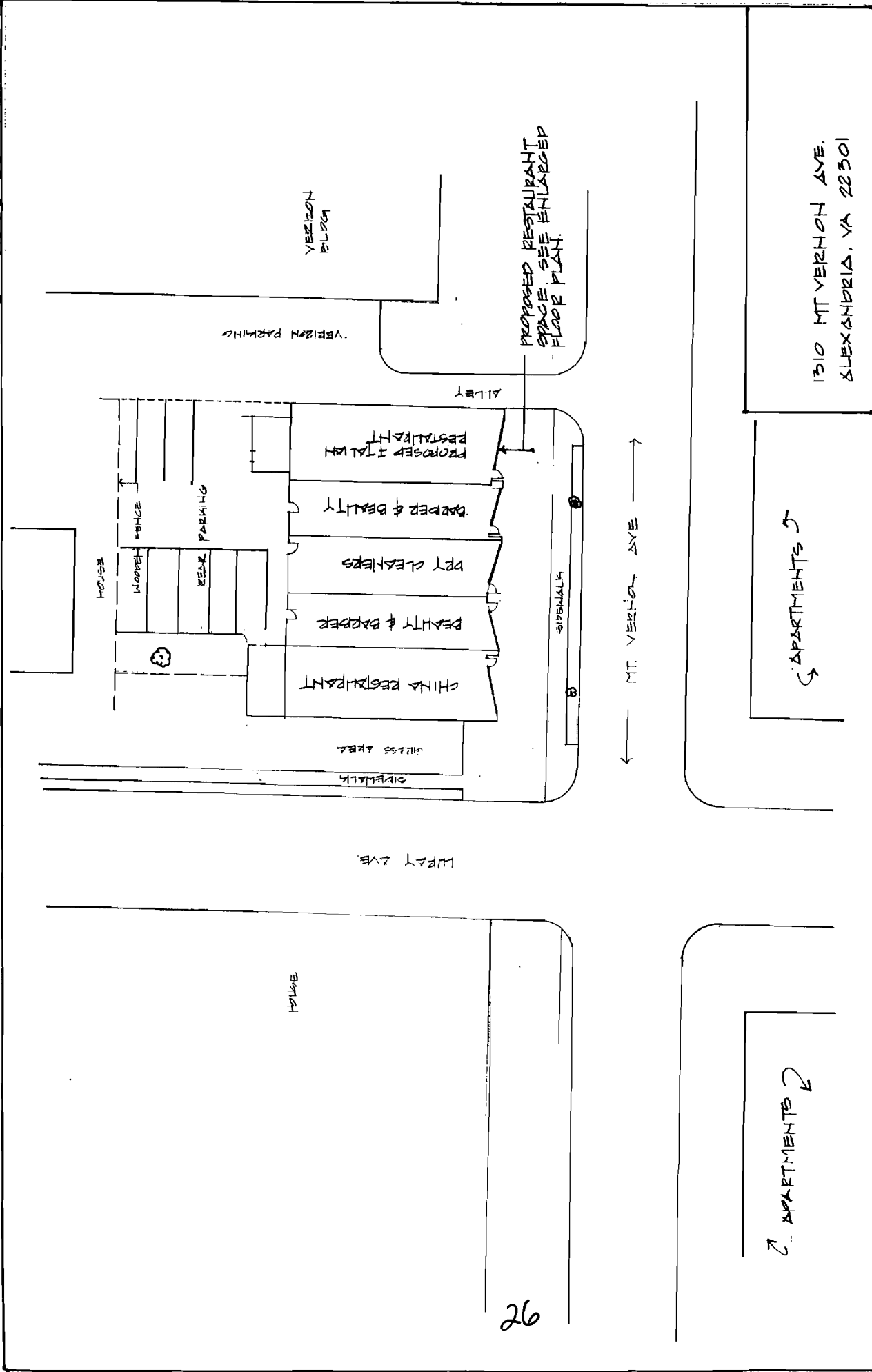
← SIDEWALK →

PLANTER BOX

MT VERNON AVE.

SUP2008.0059

JUL 20 08 0059



1310 MT VERNON AVE.
ALEXANDRIA, VA 22301

APARTMENTS ↗

APARTMENTS ↘

← MT. VERNON AVE →

LIPFAY AVE

BIKE



David Fromm or Amy Slack
<alsdmf@earthlink.net>
11/05/2008 10:23 AM

To Nathan Randall <Nathan.Randall@alexandriava.gov>, Kendra Jacob <kendra.jacobs@alexandriava.gov>
cc "H. Stewart Dunn" <hsdunn@ipbtax.com>, John Komoroske <komorosj@nasd.com>, Faroll Hamer <faroll.hamer@alexandriava.gov>, Mary Lyman
bcc
Subject Fwd: SUP#2008-0059, 1310 Mt Vernon Avenue

Nathan, Kendra, et al,

Ms Mitchell met with her neighbors of the 300 block Luray Avenue to discuss SUP# 2008-0058. it's my understanding she writes on behalf of those who met. Ms Mitchell lives adjacent to the parking lot and is well versed in how a typical restaurant operates. Please enter her message into the official public record.

Thank you,
Amy

Amy Slack, Land Use committee Co-chair
Del Ray Citizens Association
703.549.3412
landuse@delraycitizen.net

Begin forwarded message:

Forwarded conversation

Subject: **SUP Application for 1310 Mt Vernon Avenue**

From: **Mitchell, Catherine C** <catherine.c.mitchell@lmco.com>
Date: Fri, Oct 24, 2008 at 9:16 AM
To: landuse@delraycitizen.net
Cc: cathymitchell@comcast.net

Hi Amy:

After speaking with you on Sunday - here are my concerns regarding the SUP at 1310 Mt Vernon Ave. I may think of more before the planning commission meeting, but these are my main ones.

Parking:

Issue

Current regulations require that there be parking spaces available for at least 25% of the proposed seating at the establishment. In this case that is 13 spaces. The request asks for a

reduction of 50 – 70% of those spaces. The areas bordering this location, to include East Luray Avenue, Ramsey Street, and Alexandria Avenue, already have a parking issue. Since Luray Ave is the block closest to the metro that allows for unrestricted parking, we have the daily commuters parking along these streets. Customers and employees of the existing businesses in the 1300 block of Mt. Vernon Ave. also park in these areas. My estimate of the number of cars that park in this area, including the back of the location, from employees alone is currently at a minimum 8. If I assume that of the 7 employees for the new establishment, 50% of them drive to work, that is an additional 3-4 autos from employees to bring the total spaces needed to park cars for employees only to 11 – 12. Remember these numbers do not take into account the customers of the businesses or the commuter parking.

Possible Solution

I would like there be a change in the parking regulations for the above referenced streets to the following:

- 2 hours parking Monday – Saturday (except for holidays) except for permit holders
- Since parking is allowed only on 1 side of the street in the 300 Block of East Luray, I would like better signage noting No Parking on that side of the street
- No parking at least 10 feet from the intersection of Mt. Vernon Ave and East Luray Ave

Increased Traffic:

Issue

It is anticipated that there will be an increase in traffic in the 300 block of E. Luray Ave due to the patrons of the restaurant, either looking for a parking place or leaving the restaurant after enjoying their meals. This is a family oriented area with young children.

Solution

I would like a 4-way stop be put in at the intersection of E. Luray Ave. and Ramsey St. to help control the increased traffic flow.

Trash and Rodent Control

Issue

There is one dumpster used by the businesses currently located in the 1300 block of Mt. Vernon Ave. This dumpster is positioned next to the fence I own at 304 E. Luray Ave. It is my belief that one dumpster will not be enough to handle the increased waste from an additional restaurant at this location and that there will be an increase in the smell, trash on the ground and potential for rodents to visit the site.

Solution

- Install a second dumpster with more than once a week dumping service.
- Placement of the dumpsters is extremely important. Move the existing dumpster away from my property and make sure the additional dumpster is not placed next to my property.
- Ensure trash is picked up off the ground several times a day to keep the areas surrounding the business clean.
- Ensure the total environment is kept in such a state as to discourage visits by rodents and other animals.

Other Concerns

I understand that there has been a plan proposed for improvements to the rear of the building. I have not seen this plan so cannot comment on specifics but I do have the following items I would like considered.

Lighting

- Any additional lighting that may be planned for the rear of the building should only illuminate the parking area and not infringe upon the surrounding homeowners.

Parking lot

- Any additional paving/improvements of the back parking lot at the location should include run off control. The last time the parking lot was paved, the back yard at 304 E. Luray Ave. became a small pond every time it rained. I finally had to spend thousands of dollars to put in a drainage system. My fear is that if the parking lot is expanded out, the drainage will run over an into my house, not just the yard.

Thanks for your consideration.

Cathy Mitchell
304 E Luray Ave
Alexandria, VA 2301
703-299-8535
cathymitchell@comcast.net

From: **Mitchell, Catherine C** <catherine.c.mitchell@lmco.com>
Date: Fri, Oct 24, 2008 at 10:00 AM
To: landuse@delraycitizen.net
Cc: cathymitchell@comcast.net

One more concern is that I would like to see some sort of a border between my fence and the parking in the back so that I can minimize the risk of having someone run into and damage my fence.

7
11-15-08

15. CONDITION AMENDED BY CITY COUNCIL & PLANNING

COMMISSION: The applicant shall enlarge the existing parking lot located behind the building to accommodate a total of 11 parking spaces to the satisfaction of the Director of Planning & Zoning in conformance with the parking lot concept plan dated November 13, 2008 and prior to the opening of the restaurant. Before any work may begin on the parking lot expansion, the applicant shall submit a final parking lot plan to be reviewed and approved by the Directors of Planning & Zoning, Transportation & Environmental Services, and Code Administration. Additional lighting in the parking lot and around the building shall be directed downward. The property owner shall indemnify the owner of the existing fence located between the subject property and 304 E. Luray Ave. against any damage associated with the use of the parking lot at the subject property. Shrubbery located on the subject property between the existing fence and E. Luray Avenue that is removed to enlarge the parking lot shall be replaced to the satisfaction of the Director of Planning & Zoning within one month following the completion of the parking lot enlargement.
(P&Z)(PC)(City Council)

add
Rec's
Parks

~~The current storage of vehicles in parking lot~~



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0059

PROPERTY LOCATION: 1310 Mt Vernon Ave. Alex. Va. 22301

TAX MAP REFERENCE: 043.04-05-02 ZONE: CL

APPLICANT:
Name: Jose W Dominguez & Oscar M Bermudez

Address: 2946 Hickory street Alex. Va. 22305

PROPOSED USE: Restaurant

[] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[] **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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Jose W. Dominguez
Oscar M. Bermudez

Jose W. Dominguez 7-29-08
[Signature] 7-29-08

Print Name of Applicant or Agent

Signature Date

2946 Hickory street

(202) 345-5360 (202) 466-5015

Alexandria Va 22305

Josewd@verizon.net

City and State Zip Code

Telephone # Fax # Email address

| | | |
|--|----------------------|----------------|
| Recommended approval w/amendments | 6-0 | 11-6-08 |
| ACTION-PLANNING COMMISSION: | _____ | DATE: _____ |
| ACTION-CITY COUNCIL: CC approved PC recommendation | _____ | DATE: 11/15/08 |
| w/amendments | 6-0 (see attachment) | |

14

25, 2008.

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. SPECIAL USE PERMIT #2008-0059
1310 MOUNT VERNON AVENUE
RESTAURANT AND PARKING REDUCTION
Public Hearing and Consideration of a request to operate a restaurant and for a parking reduction; zoned CL/Commercial Low. Applicant: Jose Dominquez and Oscar M. Bermudez

PLANNING COMMISSION ACTION: Recommend Approval w/ amendments
6-0

City Council approved the Planning Commission recommendation, with the following amendment: that it condition approval on the parking and landscaping layout coming back to Planning and Zoning, Transportation and Environmental Services, Recreation, Parks and Cultural Activities and Code Administration for final approval and that the plan be consistent with the concept plan presented to City Council by staff on November 15.

Council Action: _____

8. DEVELOPMENT SPECIAL USE PERMIT #2007-0013
2400 & 2500 RUSSELL ROAD
ALEXANDRIA COUNTRY DAY SCHOOL
Public Hearing and Consideration of a request for a development special use permit, with site plan and density transfer under Section 7-2300 of the Zoning Ordinance, to enlarge an existing private elementary school to accommodate a gymnasium, kitchen and cafeteria; zoned R-12/Residential. Applicant: Alexandria Country Day School by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/ amendments
6-0

City Council approved the Planning Commission recommendation.

Council Action: _____

9. DEVELOPMENT SPECIAL USE PERMIT #2007-0025
2950 EISENHOWER AVENUE
MARRIOTT SPRINGHILL SUITES
Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications, to construct a hotel and a request for a reduction in loading spaces; zoned OCM-100/Office Commercial Medium.