

DATE: September 27, 2010

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

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0047  
Administrative Special Use Permit Review  
Site Use: Restaurant  
Applicant: Philip McCombie  
Location: 320 Montgomery Street  
Zone: CRMU-X/Commercial Residential Mixed Use

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**Request**

Special Use Permit #2010-0047 is a request to add outdoor dining to the applicant's existing restaurant, known as Thailand, Royal Street Restaurant, at 320 Montgomery Street. The applicant's proposal requires approval of an encroachment ordinance (ENC#2010-0007), which is scheduled to be heard by Planning Commission and City Council in October. Because the entire outdoor dining area is located on public right-of-way, the applicant may not operate the outdoor dining until the encroachment ordinance has been approved.

Although the applicant originally applied for approval of eight outdoor seats, the outdoor dining area will now contain up to six seats. The area will be located along the North Royal Street side of the restaurant in the public right-of-way between the building wall and the existing sidewalk. The outdoor dining area will measure 24 feet long by 4.25 feet wide. The final dimensions of the outdoor dining area are subject to change during the encroachment approval process.

The applicant proposes to operate the outdoor dining between the hours of 11:30am and 10:00pm daily, except for a break in the mid-afternoon each day and closing hour of 9:30pm on Sundays. No live entertainment is currently allowed at the restaurant, and none is proposed for the new outdoor dining area.

**Background**

Although located immediately adjacent to the Montgomery Center on two sides, the subject site is not part of the Montgomery Center complex and is not covered under the Umbrella Special Use Permit for the Center. On December 17, 2005, City Council approved Special Use Permit #2005-0110 to Philip McCombie for the operation of a restaurant with an eight-space parking reduction. The applicant subsequently received administrative approval to allow the service of mixed drinks in addition to beer and wine. On November 18, 2006, City Council approved Special Use Permit #2006-0085 to

increase the number of seats at the restaurant from 32 to 46 seats and to approve a total parking reduction of 12 spaces.

On August 11, 2010, staff visited the subject property and found no violations of the conditions of Special Use Permit #2006-0085. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

**Parking**

The applicant received approval for a parking reduction of 12 spaces in its most recent Special Use Permit (SUP#2006-0085.) The applicant has agreed to shift six seats from inside the restaurant to the outdoor dining area in connection with this request. As a result there will be no increase in the overall number of seats at the restaurant and no additional parking will be required.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town North Community Association and North Old Town Independent Citizens' Civic Association were sent e-mails with information about the current application. Staff received one letter of support for the proposal from the Old Town North Community Partnership. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

**Staff Action**

Staff supports the applicant's request for outdoor dining. The use will add a positive level of activity and should generally enhance the pedestrian experience on this block. Pedestrian movement along the sidewalk will not be impacted by the proposal because the entire outdoor dining area will be located between the building wall and the existing sidewalk.

Although the applicant originally applied for eight outdoor dining seats, staff has reduced this number to six to account for building code limitations and to allow for better circulation inside the outdoor dining area. The applicant has agreed to this change.

Landscaping on the site will not be significantly impacted by the applicant's proposal. The existing large shrub, which is approximately one-third of the way down the restaurant's frontage on North Royal Street, is located outside of the proposed outdoor dining area and will be preserved. Only one very small shrub and some ground-level plants will need to be removed.

Staff notes that it has included condition language requiring the applicant to obtain approval of the furniture and barriers that will be used in the outdoor dining area. Staff has also recommended hours of operation for the outdoor dining area that are somewhat longer than the applicant proposes in order to provide increased flexibility in restaurant operations.

Staff finds that request is consistent with the outdoor dining standards contained in Section 11-511(M) of the Zoning Ordinance and hereby approves the Special Use Permit request.

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

Date: September 29, 2010

Action: Approved

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Barbara Ross, Deputy Director

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

**CONDITIONS OF SPECIAL USE PERMIT #2010-0047**

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)(SUP2005-0110)
2. **CONDITION AMENDED BY STAFF:** The hours of operation of the restaurant shall be limited to between 7:00 a.m. and 12:00 midnight daily. The maximum hours of operation for outdoor seats at the restaurant shall be between 11:00am and 10:00pm daily. The outdoor dining area shall be closed and cleared of all customers by 10:00pm daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)(~~SUP2005-0110~~)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)(SUP2005-0110)
4. No live entertainment shall be provided at the restaurant. (P&Z)(SUP2005-0110)
5. On site service of alcohol is permitted; no off-premise alcohol sales are permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)(SUP2005-0110)
7. Condition deleted. (P&Z) (SUP#2006-0085)
8. The applicant shall maintain the landscaping in good condition, to the satisfaction of the Director of Planning and Zoning. (P&Z)(SUP2005-0110)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)(SUP2005-0110)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)(SUP2005-0110)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP2005-0110)

12. 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)(SUP2005-0110)
13. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and~~ smoke and any other air pollution from operations at the site and the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Health Department of Transportation & Environmental Services. (P&Z) (T&ES)(~~SUP2005-0110~~)
14. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)(SUP2005-0110)
15. Condition deleted. (P&Z) (SUP#2006-0085)
16. **CONDITION DELETED- SEE CONDITION #17:** ~~The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP2005-0110)~~
17. **CONDITION AMENDED BY STAFF:** 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. (P&Z) (T&ES) ~~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) (SUP2005-0110)~~
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)(SUP2005-0110)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as 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)(SUP2005-0110)

20. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2006-0085)
21. **CONDITION DELETED BY STAFF:** ~~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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)~~
22. **CONDITION ADDED BY STAFF:** The maximum number of indoor seats allowed at the restaurant shall be 40. The maximum number of outdoor seats allowed at the restaurant shall be six. (P&Z)
23. **CONDITION ADDED BY STAFF:** Outdoor dining shall be consistent with all terms and conditions of Encroachment #2010-0007. No part of the outdoor dining use, including planters, wait stations, and barriers, shall encroach onto the public right-of-way, except as permitted in Encroachment #2010-0007, unless authorized by an another encroachment ordinance. (P&Z)
24. **CONDITION ADDED BY STAFF:** The applicant shall submit a final outdoor seating plan for review and approval by the Director of Planning & Zoning. The plan shall depict the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, patio surface and other components to be located within the area, and such additional information as the Director may reasonably require. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
25. **CONDITION ADDED BY STAFF:** Delivery service consistent with City Council approval in SUP#2005-0110 may operate from the restaurant. (P&Z)
26. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)
27. **CONDITION ADDED BY STAFF:** At such time as an organized parking program is adopted by City Council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in that program. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall maintain a minimum 4' wide unobstructed sidewalk along North Royal Street. (T&ES)

29. **CONDITION ADDED BY STAFF:** The ground surface material proposed for the encroachment area shall be approved by the Director of Transportation & Environmental Services and shall be flush with the existing sidewalk. (T&ES)
30. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
31. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for employees prior to the operation of the business. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 Live entertainment is prohibited from the outdoor seating area. (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 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)
- R-8 Maintain minimum 4' wide unobstructed sidewalk. (T&ES)
- R-9 The ground surface material in the proposed outdoor dining area shall be approved by the Director of Transportation & Environmental Services, and shall be flush with the existing sidewalk. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (TES) (SUP2010-0031)



In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.

Code Enforcement:

- C-1 The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person.
- C-2 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.
- C-3 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C-4 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- F-1 This facility is currently operating as Thailand Royal Street under an Alexandria Health permit, issued to Pike Inc.
- R-1 Provide a menu or list of foods and equipment to be handled at this facility to the Health Department with your plan.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Food must be protected to the point of service
- C-3 If changes to the facility are to be done, 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 \$ 200.00 fee for review of plans food facilities (Payable to City of Alexandria).

- C-4 Permits or approval must be obtained prior to the use of new area(s).
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Parks and Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the request allowing outdoor dining.