

DATE: November 15, 2010

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0068
Administrative Review for a Minor Amendment
Site Use: Restaurant
Applicant: Hong Yop Ha
Location: 4926 B Eisenhower Avenue
Zone: OCM(100) / Office Commercial Medium

Request

Special Use Permit #2010-0068 is a minor amendment request to extend the opening hour for the restaurant. Currently the restaurant is open at 6:30am and the applicant is now proposing to open at 5:00am, an increase of 1.5 hours. No other changes to the operation are proposed and the restaurant will retain its delicatessen concept and trade under the name “Deli for the Belly.”

Background

A restaurant has existed at this site since 1982. Subsequent Special Use Permits were approved in 1983 and 1985 to expand seating at the restaurant. A change of ownership was approved in 1987, and again on April 1, 1996, when staff administratively approved a request (SUP#96-0034) to change ownership of the business from Dai In and Jun Lim Shin to Hong Y. Ha, the current applicant.

On June 29, 2010, staff visited the subject property as a part of its routine inspection program and found two violations of the conditions of Special Use Permit #96-0034. The applicant has not paid for two City-standard trash cans nor has he contributed \$5,000 toward Eisenhower Avenue improvements. Staff has worked out a payment plan with the applicant toward fulfilling these requirements.

Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. 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 does not object to the applicant's proposal. The applicant's proposed opening hour of 5:00am daily represents an increase of less than two additional hours of operation compared to prior SUP approval and is consistent with Section 11-511(2)(b)(i)(a) of the Zoning Ordinance regarding eligible minor amendment requests. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 14, 2010

Action: Approved



Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2010-0068

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 permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&CD)(SUP#96-0034)
2. Seating shall be provided inside for no more than 108 patrons. (P&CD) (SUP#96-0034)
3. No outside dining facilities or "drive-thru" windows shall be located on the premises. (P&CD) (T&ES) (SUP#96-0034)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be restricted to between ~~6:30~~ 5:00 A.M. and 5:30 P.M., Monday through Friday. (P&CD) ~~(SUP#96-0034)~~ (P&Z)
5. No food, beverages, or other material shall be stored outside. (P&CD) (SUP#96-0034)
6. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be stored inside or in a dumpster.~~ 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. (P&Z) ~~(P&CD)~~ (SUP#96-0034)
7. Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP#96-0034)
8. At least two trash containers shall be located in the parking area for the use of patrons, the containers not to be permitted to overflow, and the areas around them be kept clean. (P&CD) (T&ES) (SUP#96-0034)
9. Two standard city trash containers shall be furnished to the City of Alexandria for installation by city on the adjacent public right-of-way. (P&CD) (T&ES) (SUP#96-0034)
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 more often if necessary, to prevent an unsightly and insanitary accumulation, on each day that the business is open to the public. (P&CD) (T&ES) (SUP#96-0034)
11. The applicant shall donate \$5,000 to road improvements on Eisenhower Avenue. (T&ES) (SUP#96-0034)

12. The applicant shall provide any additional "required" parking needed for this change in use. (T&ES) (SUP#96-0034)
13. **CONDITION ADDED BY STAFF:** No alcohol sales shall be permitted at the restaurant. (P&Z)
14. **CONDITION ADDED BY STAFF:** No live entertainment shall be permitted at the restaurant. (P&Z)
15. **CONDITION ADDED BY STAFF:** The applicant shall not offer delivery service from the restaurant. (P&Z)
16. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)
17. **CONDITION ADDED BY STAFF:** 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. (P&Z)
18. **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)
19. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
20. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees and customers 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. (T&ES)
21. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
22. **CONDITION ADDED BY STAFF:** 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)
23. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from

the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

24. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
25. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department for a security survey of the business and robbery readiness training for all employees. (P&Z)
26. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
27. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, 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)