DATE: May 12, 2011

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0028
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Nick and Mike Cordero
Location: 808 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2011-0028 is a request to change ownership of an existing restaurant from Café Salsa to Nick and Mike Cordero. No other changes to the operation of the restaurant are proposed and the applicant plans to continue serving Latin-inspired cuisine under the new trade name Aqua Viva Tropical Café.

Background

A restaurant has existed in this location since 1983. Special Use Permit #2486 was approved in April 1991 for a new restaurant in this location and staff administratively approved changes of ownership in 1992 and 2001 (SUP#2001-0122).

The business has been closed for approximately one year. 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. In addition, the Old Town Civic Association was sent an e-mail with information about the current application. 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 change of ownership request and hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 17, 2011

Action: Approved

Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #

The new 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) (SUP 2486)

2. The seating shall be provided inside for no more than 150 patrons. (P&Z) (SUP 2486)

3. **CONDITION AMENDED BY STAFF:** No outside dining facilities shall be located on the premises unless approved under the King Street Outdoor Dining Program. (P&Z) ~~(SUP 2486)~~

4. The hours during which the business is open to the public shall be restricted to between 11:00 A.M. to 1:00 A.M., Sunday through Thursday, and between 11:00 A.M. to 2:00 A.M., Friday through Saturday, as requested by the applicant. (P&Z) (SUP 2486)

5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP 2486)

6. 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)

7. Trash and garbage shall be collected daily except Saturday and Sunday. (PC) (SUP 2486)

8. By October 1, 1992, the employers shall provide and require their employees to use off-street parking. (P&Z) (SUP #2486-B)

9. 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)

10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

11. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and~~ smoke, and any other air pollution from operations at the site and prevent them from leaving the property ~~to~~ or ~~prevent them from~~ becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) ~~(SUP#2001-0123)~~

12. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police) ~~(SUP#2001-0123)~~

13. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2001-0123)

14. **CONDITION AMENDED BY STAFF:** ~~On-site~~ On-premises alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) ~~(SUP#2001-0123)~~

15. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2001-0123)

16. 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) (SUP#2001-0123)

17. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #10):** ~~Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)~~

18. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z) ~~(SUP#2001-0123)~~

19. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #11):** ~~The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2001-0123)~~

20. **CONDITION ADDED BY STAFF:** No delivery service shall operate from the restaurant. (P&Z)

21. **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)

22. **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, and on how to prevent underage sales of alcohol. (P&Z)

23. **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. (P&Z)

24. **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 the program. (P&Z)

25. **CONDITION ADDED BY STAFF:** The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking through printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)

26. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval 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)