

DOCKET ITEM #6

Special Use Permit #2009-0018

212 Queen Street – Momo Sushi Restaurant

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Consideration of a request to increase seating and the hours of operation at an existing restaurant.	Planning Commission Hearing:	June 2, 2009
Address: 212 Queen Street	City Council Hearing:	June 13, 2009
Applicant: Yeon Sin Son	Zone:	CD/Commercial Downtown
	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Eileen Oviatt eileen.oviatt@alexandriava.gov

PLANNING COMMISSION ACTION:



SUP #2009-0018

06/02/09



I. DISCUSSION

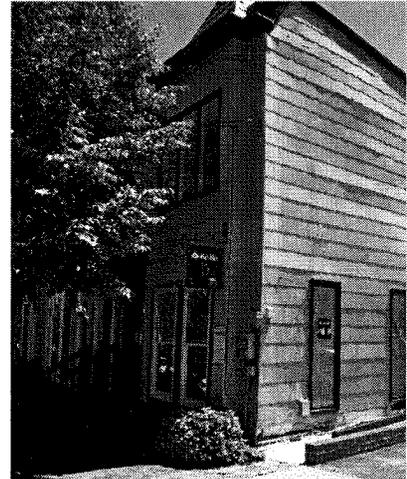
REQUEST

The applicant, Yeon Sin Son, requests approval of a special use permit amendment to allow additional seating and expand hours of operation at an existing restaurant located at 212 Queen Street.

SITE DESCRIPTION

The subject property is one lot of record with 16 feet of frontage on Queen Street, 64 feet of depth and a total lot area of 1,015 square feet. The site is developed with a two-story brick semi-detached building. Access to the property is from Queen Street.

Immediately to the north is a public surface parking lot. To the south is a commercial use (Crilley Warehouse). To the east is Bilbo Baggins restaurant and to the west is an office use.



BACKGROUND

On May 17, 1997, City Council granted Special Use Permit #97-0026 for the operation of a restaurant (coffee shop) with carry-out service located at 212 Queen Street. On February 21, 1998, City Council granted Special Use Permit #97-0181 to expand the existing coffee shop by adding seats and the on-site preparation of sandwiches. On June 26, 2003, a change in ownership was approved to transfer the ownership to Vitalino Roberto DeLeon (Special Use Permit #2003-0046).

On June 17, 2005, staff approved Special Use Permit #2005-0053 to change the ownership of the restaurant to the current owner and applicant Yeon S. Son. On October 20, 2005, City Council granted Special Use Permit #2005-0071 to change the hours of operation and to increase seating.

On April 8, 2009, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

Hours: The hours of operation are proposed to be 7:00 a.m. to midnight, seven days per week. This is an increase of one hour.

Number of seats: The applicant proposes 44 seats, which is an increase of 32 seats. The additional seating will be accommodated by an expansion into the upstairs space.

Alcohol: The applicant proposes to continue on-premises beer and wine service.

Noise: The applicant does not expect noise audible from outside of the building.

Entertainment: No live entertainment is proposed.

Trash/Litter: Trash consists of regular restaurant refuse. Trash is kept behind the building and is collected three times per week.

Loading: Loading is expected to occur between 10:00 a.m. and 11:30 a.m. three times per week.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, a lot within the central business district containing less than 10,000 square feet is not subject to parking requirements. As the restaurant is contained within the central business district, no parking is required. However, the applicant leases three spaces within the Torpedo Factory parking garage for employee parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 of the Zoning Ordinance allows a restaurant in the Commercial Downtown zone only with a special use permit.

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

II. STAFF ANALYSIS

Staff supports extending the hours, and increasing the number of seats of this restaurant on Queen Street. Currently, the twelve-seat restaurant can operate between 7:00 a.m. to 11:00 pm. The proposed increase in hours is minor, and is consistent the operating hours of other restaurants in Old Town. The additional seats will allow this successful restaurant to offer seating for more of its patrons, rather than relying mostly on carry-out business. Even with the additional seats, this will remain a small restaurant. Staff finds that even with the additional hours and seats, this relatively small operation will not negatively impact the nearby residential area.

Trash Can, Litter and Street Tree Requirements

No street trees are required in this case. There are no dead, diseased street trees or empty tree wells along the immediate block face of the property. Because the applicant was required to pay for a new trash in the past, even for its very small restaurant, no additional cans and no Litter

Fund contribution is being required now. These conditions may change as a result of Council's policy discussion on these issues scheduled for June 9.

With the following 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 granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2005-0071)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for a maximum of ~~12~~ 44 customers. (P&Z) (~~SUP #2005-0071~~)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2005-0071)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2005-0071)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:00 a.m. to ~~11:00 p.m.~~ 12:00 midnight daily. (P&Z) (~~SUP #2005-0071~~)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2005-0071)
7. On-premises sale of wine and beer are permitted with appropriate ABC license. (P&Z) (SUP #2005-0071)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2005-0071)
9. **CONDITION DELETED BY STAFF (See Condition 22):** ~~Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2005-0071)~~
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) (SUP #2005-0071)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2005-0071)

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) (SUP #2005-0071)
13. The applicant shall require its employees who drive to use off-street parking. (P&Z) (SUP #2005-0071)
14. Condition deleted by staff. (SUP #2005-0071)
15. 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, 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 #2005-0071)
16. The applicant shall direct patrons to the availability of parking at nearby garages and shall offer a parking subsidy in which the regular parking price is discounted by at least \$1. (P&Z) (SUP #2005-0071)
17. 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 #2005-0071)
18. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police) (SUP #2005-0071)
19. The applicant shall conduct employee training sessions on an ongoing basis, including part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP #2005-0071)
20. **CONDITION DELETED BY STAFF (See condition 24):** ~~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 #2005-0071)~~
21. **CONDITION SATISFIED:** ~~Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES) (SUP #2005-0071)~~

22. **CONDITION ADDED 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
24. The applicant shall require its employees who drive to use off-street parking and 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)

STAFF: Gwen Wright, Division Chief;
Eileen Oviatt, 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 Trash can payment required by SUP2005-00071 made 12/20/2006.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- 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.
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- 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.
- 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.
- R-7 The applicant shall require its employees who drive to use off-street parking and 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.
- 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.

Code Enforcement:

- C-1 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-2 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

The establishment had applied for plan review for additional dining and prep area at the second floor of the property. Plan was approved and renovation is still going on. A follow-up inspection will be conducted after the renovation is finished.

- F-1 No comment on the additional indoor seating.

Parks and Recreation:

- F-1 There are no dead, diseased street trees, or empty tree wells along the immediate block face of the subject property.
- 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 Condition #7 of SUP #2005-0071 states "On-premises sale of wine and beer are permitted with appropriate ABC license." The Police Department concurs with the "on-premises" sales only.

PROPERTY OWNER'S AUTHORIZATION

As the property owner of YEON SON, I hereby
(Property Address)
grant the applicant authorization to apply for the Restaurant use as
(use)
described in this application.

Name: YEON SIN SON Phone: (703) 299-9092
Please Print
Address: 212 Queen St. Alex VA 22304 Email: _____
Signature: [Handwritten Signature] Date: 3/27/09

1. Floor Plan 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.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):
 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

YEON SIN SON

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.

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.)

We currently operating a carry out
Restraunt.

We serving Sushi & Beverage

we expect 20-25 patrons ~~at~~ ^{at a} ~~there~~ time

3-4 employees (maximum)

open 7:00 AM - 12:00 PM

No parking require. but we do have

3 Garage parking space.

~~No noise expected~~

Changed proposed are add seat upstairs
and extending hours.

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).

7:00 AM - 12:00 PM - MON - SUN
40-45 patrons

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

3-4 employees

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

Day:

Hours:

MON THRU SUN 7:00 AM - 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.

NO NOISE EXPECTED

B. How will the noise be controlled?

N/A

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

No odors expected from the proposed use.

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)

Left ~~over~~ Food + preparation material
paper supplies such as napkins, paper towels etc.

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

~~3 times per week~~ 25 bags size 33x43 per week

C. How often will trash be collected?

3 times per week

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

I will regularly clean litter adjacent to the property.

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?

Caution sign for non slipperly floor. Sanitational
sign for cleaners.

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.

There is existing ABC license on premises.

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.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A <u>0</u></p> <p>Does the application meet the requirement?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

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?

parking Garage

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? 0

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

B. Where are off-street loading facilities located? N/A

C. During what hours of the day do you expect loading/unloading operations to occur?
10:00 AM - 11:30 AM

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
3-4 times per 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?
Adequate.

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?
1970 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1970 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: _____

End of Application



APPLICATION RESTAURANT

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

Current Seating: 12

1. How many seats are proposed?
Indoors: 44 Outdoors: _____ Total number proposed: 44

2. 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

** 32 seat increase*

3. Please describe the type of food that will be served:
Japanese sushi & Beverages

4. The restaurant will offer the following service (check items that apply):
X table service X bar X 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 X No
Where will delivery vehicles be parked when not in use?

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

Parking impacts. Please answer the following:

- 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

- 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

- 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.

- Maximum number of patrons shall be determined by adding the following:
 - 34 Maximum number of patron dining seats
 - + 10 Maximum number of patron bar seats
 - + _____ Maximum number of standing patrons
 - = 44 Maximum number of patrons

- 4 Maximum number of employees by hour at any one time

- 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

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

Mumu Sushi Sate

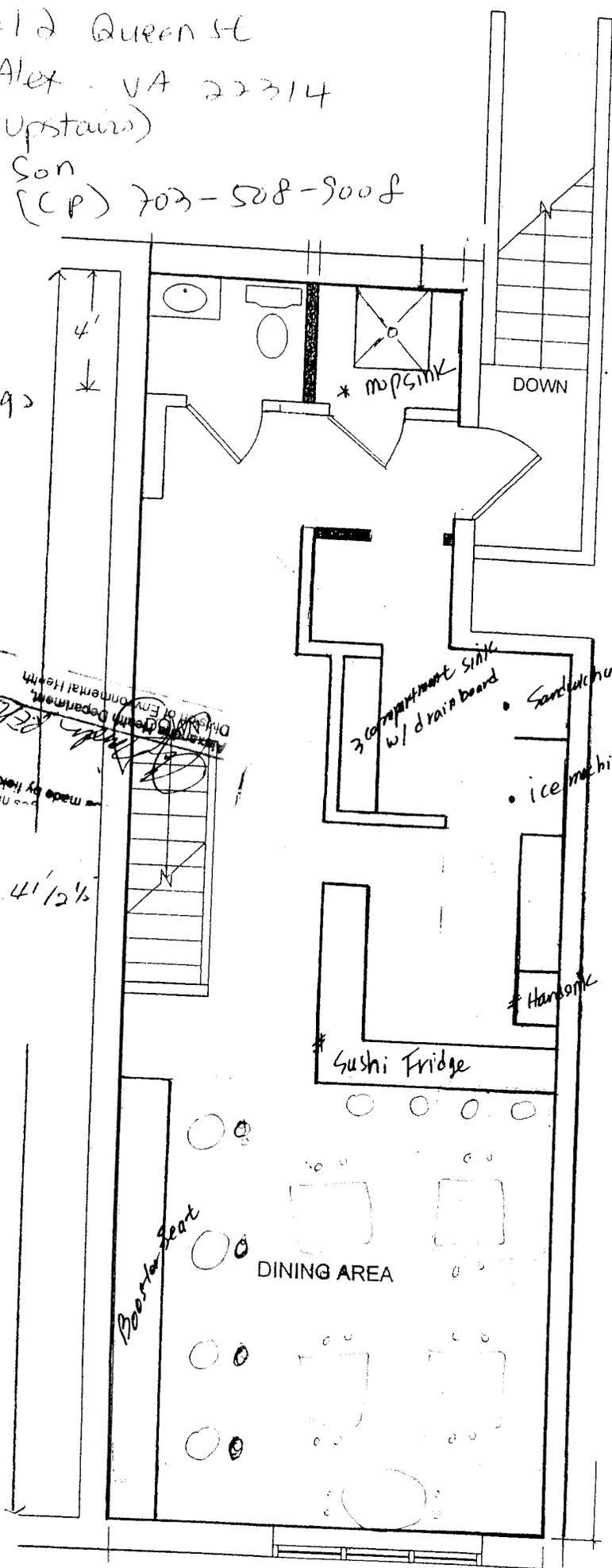
212 Queen St

Alex - VA 22314

(Upstairs)

Yeon Son
(CP) 703-508-9008

703)
299-9090



20

UPSTAIRS

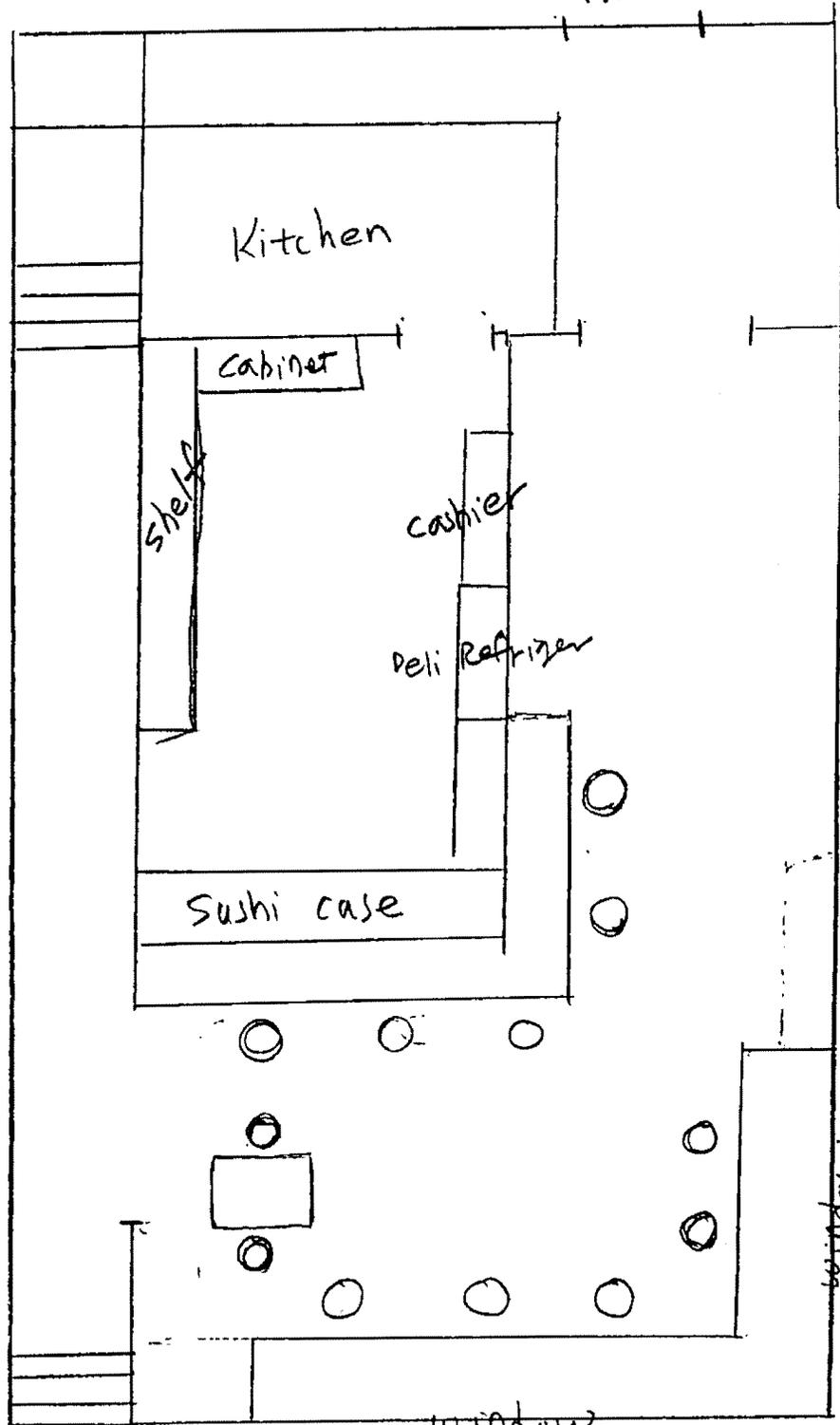
SUP2005-0071

Sup 2009-0018

downstairs
(existing)

Back Door

BILBO
BAGGINS



17'

ALLEY AND PARKING FOR ADJACENT BUILDING

↑ Front

10'

QUEEN ST.

22 21