

EXHIBIT NO. 1

5
4-18-09

DOCKET ITEM #3
Special Use Permit #2009-0001
2018 Mt Vernon Ave- Thai Peppers

Application	General Data	
Request: Consideration of a request to change ownership of a restaurant and to amend the current special use permit to increase seating, add on-premises alcohol service, allow delivery and a parking reduction	Planning Commission Hearing:	April 7, 2009
	City Council Hearing:	April 18, 2009
Address: 2018 Mt. Vernon Ave	Zone:	CL/Commercial Low
Applicant: Tasneeya Gordon	Small Area Plan:	Potomac West

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: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, APRIL 7, 2009: On a motion by Mr. Wagner, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, adding Condition #36 regarding parking lot lighting and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis and accommodated the lighting condition request from the Del Ray Land Use Committee.

Speakers:

Amy Slack, representing the Del Ray Land Use Committee, spoke in favor of the request but asked that a condition be added to require the applicant to install downward-shielded lighting to illuminate the rear parking lot.

Tasneeya Gordon, the applicant, agreed to the request of the Del Ray Land Use Committee.

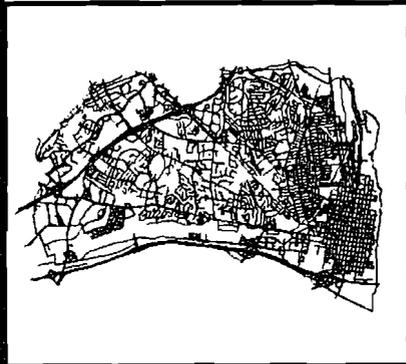
PLANNING COMMISSION ACTION, MARCH 5, 2009: The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.

CITY COUNCIL ACTION:



KEY MAP



SUP #2009-0001

04/07/09



I. DISCUSSION

REQUEST

The applicant, Tasneeya Gordon, requests an amendment to an existing special use permit to change ownership of the business, increase seating, allow delivery service, and add on-premises alcohol service, with a parking reduction, for the operation of a restaurant located at 2018 Mt. Vernon Ave.

SITE DESCRIPTION

The subject property is one lot of record with 55 feet of frontage on Mount Vernon Avenue, 77 feet of frontage on E. Windsor Avenue, and a total lot area of 4,400 square feet. The site is developed with a two-story commercial building of 1,750 square feet. Access to the property is from either Mt. Vernon Ave or E. Windsor Ave.



The surrounding area is occupied by a mix of retail, office, and residential uses. Immediately to the north across E. Windsor Avenue is a single-family dwelling with a first-floor hair salon. To the northeast and east across Mt. Vernon Avenue are multi-family and single-family dwellings respectively. To the south are office and retail uses, including one restaurant at the other end of the same block. To the west are single-family attached dwellings.

BACKGROUND

A restaurant has been in operation at this location since 1984, when City Council granted Special Use Permit #1732 to operate the Snack Bar, a 20-seat restaurant with carry-out service. Since then the restaurant has changed hands several times and is currently operated as Thai Peppers. On September 18, 1999, City Council granted Special Use Permit #99-0074 allowing the restaurant to operate one hour later than previously allowed on Fridays and Saturdays. On April 21, 2001, City Council reviewed and approved the continued operation of the restaurant. On May 18, 2002, City Council approved SUP#2002-0043 for a review of the restaurant. On September 27, 2005, SUP#2005-0097 was approved administratively to change the ownership of the restaurant to Napak Kongsitthanakorn.

As a result of routine enforcement inspections, staff discovered multiple violations of the prior SUP, including the applicant operating the subject restaurant without a valid SUP in her name. Staff also found that the applicant had increased the number of seats and had lost two parking spaces since prior SUP approval. The applicant subsequently applied for a change of ownership and an amendment to the prior SUP to reflect the long-time use of the restaurant with increased seating and alcohol service, plus delivery service. Staff has since verified that all other violations of the prior SUP, except for delivery service, have been corrected.

PROPOSAL

The applicant has owned the business since June 2007 and proposes to resume restaurant operations consistent with earlier operations. Compared to the previous SUP approval the applicant proposes to change the ownership of the business, add indoor and outdoor seating, add delivery service and add on-premises alcohol sales. The applicant also seeks a parking reduction of seven spaces during daytime hours.

Hours: Monday-Thursday: 11:00am – 3:00pm and 5:00pm – 9:30pm
Friday: 11:00am – 3:00pm and 5:00pm – 10:00pm
Saturday: noon – 10:00pm
Sunday: 5:00pm – 9:30pm

Number of seats: 32 Indoor Seats
32 Outdoor Seats
64 Total Seats

Type of Service: Table Service, Carry-Out, Delivery (one vehicle only)

Alcohol: On-premises service only

Noise: Minimal noise will be generated from equipment and customer conversations.

Trash/Litter: Typical restaurant wastes, including food and paper items, will be either disposed into dumpster or recycling bins. Garbage will be picked up twice per week.

Smoking: The applicant agrees to voluntarily prohibit smoking inside the restaurant and in the outdoor seating area.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. Section 6-604(B) exempts the first 16 outdoor seats from parking requirements for restaurants in the Mt. Vernon Urban Overlay Zone. A restaurant at this location with 32 indoor seats and 32 outdoor seats and one delivery vehicle will be required to provide 13 off-street parking spaces.

Although the applicant requires a parking reduction because not all 13 required spaces are available at all times, the applicant does meet the parking requirement on evenings and weekends. Six parking spaces are available behind the restaurant at all times. On weekdays after 5:00pm and on weekends the applicant has leased 16 additional parking spaces from her next-door neighbor at Mind & Media. The leased spaces are located essentially in the same lot as the applicant's spaces, behind and directly next to the property at 2018 Mt. Vernon Avenue. The

applicant needs the parking reduction of seven spaces since the additional leased spaces are not available until 5:00 on weekdays.

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 property is also located in the Mt. Vernon Urban Overlay Zone, in which some restaurants are allowed by Administrative SUP. Neither the provisions of the overlay zone nor the Small Business Zoning provisions allowing an Administrative SUP are applicable in this case because the applicant seeks more than 60 seats, more than 20 outdoor seats, and a parking reduction.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for pedestrian-oriented mixed-use as a part of the Mt. Vernon Urban Overlay Zone.

II. STAFF ANALYSIS

Staff supports the applicant's request. The restaurant use is reasonable and appropriate for Mt. Vernon Avenue, where pedestrian-oriented uses are encouraged. Although staff had some concern with the violations of the previous Special Use Permit, the applicant has successfully resolved these issues and, with the exception of the one delivery vehicle, is currently operating in accordance with the current Special Use Permit for this location.

Staff notes that the elements of the applicant's request are essentially refinements for a restaurant that has operated at this location for many years. Staff believes that on-premises alcohol service has existed at this restaurant for years, perhaps decades. Although delivery service is a more recent addition to the restaurant, staff does not believe this will have a negative impact since the applicant requests only one delivery vehicle and it will be required to park off-street. The applicant's request for restaurant seating is no greater than what has existed recently and the majority of the official increase will be outdoors and therefore seasonal. Although outdoor dining does present some potential for impacts on the surrounding neighborhood, staff generally encourages it in the Del Ray neighborhood so long as the applicant keeps operations within the citywide and neighborhood-specific outdoor dining standards. These standards are reflected in the new and amended conditions of Section III of this report.

Staff also supports the parking reduction under the terms sought by the applicant. Her request amounts to an effective reduction of seven parking spaces only during weekday hours because she has executed a shared parking contract with her next-door neighbor. Staff would like to note that it generally supports shared parking arrangements as good planning practice. The applicant's contract allows restaurant patrons to use 16 parking spaces next door after 5:00pm during the week and all day on weekends. When combined with her existing six spaces the restaurant will have the use of 22 spaces on evenings and weekends, which is more than the 13 parking spaces required for this use. According to the applicant, the restaurant's busiest time is evening and weekends. Furthermore, 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.

The previous SUP conditioned hours of operation that, while longer than the applicant proposes, are still more limited than the neighborhood standard. Staff would like to note that this condition has been amended to be consistent with the neighborhood standard and to afford the applicant greater flexibility.

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** 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 #1732-E)
2. **CONDITION AMENDED BY STAFF:** ~~Indoor seating shall be provided for no more than 30 patrons, and a total of not more than 40 seats shall be provided, including the outdoor seating. The maximum number of indoor seats at the restaurant shall be 32. The maximum number of outdoor seats shall be also 32, for a combined total of 64 seats on premises.~~ (P&Z)(PC)
3. **CONDITION DELETED BY STAFF & COMBINED WITH PREVIOUS:** ~~Outside dining facilities may be located along the north side of the building for a maximum of 20 patrons.~~ (P&Z) (SUP #95-0037)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1732)
5. **CONDITION DELETED & COMBINED WITH CONDITION #12:** ~~Trash and garbage shall be stored inside or in a dumpster.~~ (P&Z) (SUP #1732)
6. **CONDITION SATISFIED:** ~~One standard City trash container shall be provided in the front of the site and shall be installed within six months of City Council approval.~~ (P&Z) (SUP #98-0036)
7. **CONDITION AMENDED BY STAFF:** 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 daily and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP #1732)
8. **CONDITION AMENDED BY STAFF:** The hours of operation for both indoor dining and outdoor dining shall be limited to 7:00 A.M. 6:00am to 10:00 P.M. 11:00am Sunday through Thursday and from 7:00 A.M. 6:00am to 11:00 P.M. 12:00 midnight on Fridays and Saturdays. (P&Z) (SUP#2002-0043)

9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #1732-B)
10. **CONDITION AMENDED BY STAFF:** The dumpster or garbage storage area shall be screened and thereafter maintained. (P&Z) (SUP #1732-B)
11. The rear parking lot surface shall be repaired and thereafter maintained. (PC) (CC) (SUP #1732-B)
12. 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 #99-0074)
13. **CONDITION AMENDED 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) (SUP #95-0037)
14. **CONDITION AMENDED BY STAFF:** Outside dining facilities shall be located in the area delineated on ~~the accompanying a plan, with design plans~~ subject to the approval of the Director of Planning and Zoning. The 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) (SUP #95-0037)
15. **CONDITION AMENDED BY STAFF:** Outdoor dining facilities shall conform with the following requirements: The hours of operation for outdoor seating shall be limited to 8:00 a.m. to 10:00 p.m., daily. Outdoor seating shall be cleared of patrons by 10:00 p.m. and the area shall be cleaned and washed before 10:30 p.m. (P&Z) (SUP#2002-0043)
 - a. 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)
 - b. Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)
 - c. Outdoor seating areas shall be cleared of patrons by 11:00pm Sunday-Thursday and 12:00 midnight Friday and Saturday. (P&Z)
 - d. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
16. No live entertainment shall be provided at the restaurant and no live or recorded entertainment shall be permitted outside. (P&Z) (SUP #95-0037)

17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from the date of 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, 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#2002-0043~~)
18. **CONDITION SATISFIED:** ~~The applicant shall provide one shade tree and one ornamental tree to be planted to the north of the building. (Arborist) (SUP #95-0037)~~
19. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for employees. (Police) (~~SUP #98-0036~~)
20. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors and smoke and any other air pollution from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services and the Department of Health. (~~Health~~)(~~SUP #99-0074~~) (T&ES)
21. All exterior improvements, including signage, shall conform with the Mount Vernon Avenue Design Guidelines. (P&Z) (SUP #2000-0018)
22. **CONDITION AMENDED BY STAFF:** Meals ordered before the closing hour for indoor dining, carryout or delivery may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all indoor patrons must leave by one hour after the closing hour. (P&Z) (~~SUP#2002-0043~~)
23. That employees who drive to work are required to use off-street parking. (City Council) (SUP#2002-0043)
24. 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) (SUP#2005-0097)
25. **CONDITION AMENDED BY STAFF:** 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~~ and shall 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) (~~SUP#2005-0097~~)

26. **CONDITION ADDED BY STAFF:** The parking requirement of 13 spaces for the restaurant is reduced by seven parking spaces. The applicant shall maintain a lease for a minimum of seven parking spaces off-site for evenings and weekends and shall submit annually to the Director of Planning & Zoning a letter signed by both parties that verifies the existing parking contract. (P&Z)
27. **CONDITION ADDED BY STAFF:** The applicant 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. (P&Z)
28. **CONDITION ADDED BY STAFF:** On-premises alcohol service is permitted, but no off-premises alcohol sales are permitted. (P&Z)
29. **CONDITION ADDED BY STAFF:** The maximum number of delivery vehicles operating from this facility shall be one (1). The delivery vehicle shall be parked off-street at all times when located in the vicinity of the subject property. (P&Z)
30. **CONDITION ADDED BY STAFF:** Existing landscaping shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead, damaged, or missing plants as needed and as required on landscape plans. (RP&CA)
31. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
32. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$575.00 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)
33. **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)
34. **CONDITION ADDED BY STAFF:** Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
35. **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)

36. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall install additional lighting for the parking lot located behind the restaurant building to the satisfaction of the Director of Planning & Zoning. Additional lighting shall be downward-shielded to prevent light from being a nuisance to neighboring properties.
(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:

- 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 \$575.00 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 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-2 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-3 A new 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-4 The USBC limits the occupant loading for this area to 15 square feet per person.
- C-5 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-6 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-7 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.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as Thai peppers under an Alexandria health permit issued to Narina Inc.
- 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 \$135.00 fee for plans review of food facilities.
- C-4 Permits or approval must be obtained prior to 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.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-8 Provide adequate numbers of cold storage units such as refrigerators, freezers, and dry storage.
- 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 shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead, damaged, or missing plants as needed and as required on landscape plans. (RP&CA)
- F-1 Staff notes that the outdoor dining area is located close to public streets. The applicant may wish to provide parking lot screening, such as landscape planters, to block vehicle headlights from shining into the outdoor dining area. Should the

applicant wish to provide this screening, RP&CA and P&Z are available to provide assistance regarding the location and method of screening.

- 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 new 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 new 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 has no objections to the additional seating or delivery service.
- F-3 The Police Department has no objections to the change of ownership.

MARCH



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0001

PROPERTY LOCATION: 2018 Mt Vernon Ave

TAX MAP REFERENCE: 034-04-0611 ZONE: CL

APPLICANT:

Name: Tasneeya Gordon

Address: 2018 Mt. Vernon Ave.

PROPOSED USE: Increase

seating, add delivery, and parking reduction of existing 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.

Tasneeya Gordon
Print Name of Applicant or Agent
2018 Mt. Vernon Ave
Mailing/Street Address
Alex VA 22301
City and State Zip Code

[Signature] 12/14/08
Signature Date
71924-0806
7739-7627
Telephone # Fax #
thaipeppers@yahoo.com
Email address

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

SUP # 2009-0001

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2018 MT. VERNON AVE I hereby
(Property Address)
 grant the applicant authorization to apply for the restaurant use as
(use)
 described in this application.

Name: NUSRAT MAHMOOD Phone: 703 628-5953
Please Print
 Address: 2838 DUKE ST. ALEX. VA. 22304 Email: _____
 Signature: *Nusrat Mahmood* Date: 12/12/08

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.

Tainsee Garden 100%

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 would like to request a parking reduction so we are able to have more seating in the restaurant we have made an arrangement with our neighbors that we can use their parking lot Mon-Fri after 5pm and all day SAT-SUN. A lot of our customers either walk or ride their bikes to dine. We also have street parking our customers use for TO GO pickups or can be used during our lunch hours. Add delivery service max 1 vehicle.

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).

about 100 people. This includes customer
pick up of TD @ orders.

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

4-6 Sat-Sun. Most of our employees car
pool or get rides here.

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

Day:	Hours:
<u>Sun</u>	<u>5:00 - 9:30 pm</u>
<u>Mon-Thurs</u>	<u>11-3:00</u>
<u>Fri / Sat</u>	<u>5:00 - 9:30</u>
	<u>11:30, 5:00-10:00 / 12-10</u>

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Min. noise from equipment &
customers talking.

- B. How will the noise be controlled?

min. noise.

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

Smoke while cooking, exhaust fan, hood.

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)

paper, food, boxes

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

We have a big dumpster and a recycling trash can.

C. How often will trash be collected?

2x week

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

We make sure the area is clean.

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?

police, fire, insurance

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.

We sell Beer and wine. ABC license
is for on-premises. We may in the
future serve mixed drinks.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:
- * 6 ALL DAY 24/7 * 14 after 5pm Mon-Fri
all day SAT-SUN
- 20 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 _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input 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?

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

<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 style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

B. Where are off-street loading facilities located? Behind restaurant.

C. During what hours of the day do you expect loading/unloading operations to occur?
before 11 Am or between 3-5

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
once - 2x a 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?
No.

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?
1750 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1750 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.

1. How many seats are proposed?

Indoors: 32 Outdoors: 32 Total number proposed: 64

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only)	X Yes	X No
Beer and wine — on-premises	X Yes	No
Beer and wine — off-premises	Yes	X No

3. Please describe the type of food that will be served:

Thai food.

4. The restaurant will offer the following service (check items that apply):

X table service ___ bar X carry-out X delivery

5. If delivery service is proposed, how many vehicles do you anticipate? 1

Will delivery drivers use their own vehicles? X Yes ___ No

Where will delivery vehicles be parked when not in use?

loading zone

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

___ Yes X No

If yes, please describe:



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)

7 - space reduction requested - (during the weekdays 11-3 pm).

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

We have all parking spaces ^{behind building} during the peak of our hours after 6pm and most of our cust. either walk or ride their bikes.

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

The business owner uses the parking for their empl. during business hrs ~~9-5~~ 9-5.

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.

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 100% after 5pm and all day SAT/SUN.
 75-99%
 50-74%
 1-49% weekday lunch
 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.

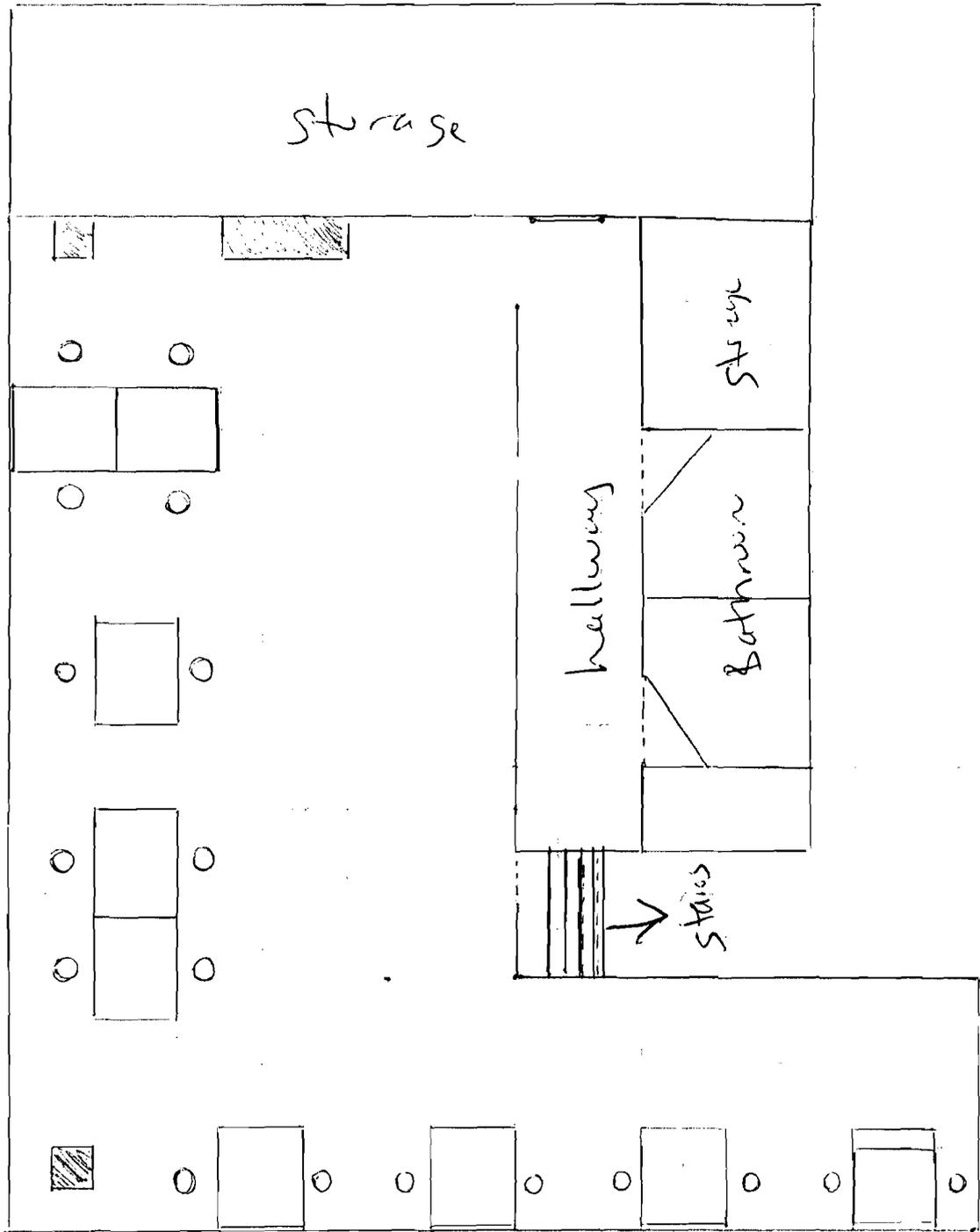
1. Maximum number of patrons shall be determined by adding the following:
64 Maximum number of patron dining seats
+ Maximum number of patron bar seats
+ 2 Maximum number of standing patrons (while waiting for carryout)
= 66 Maximum number of patrons

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

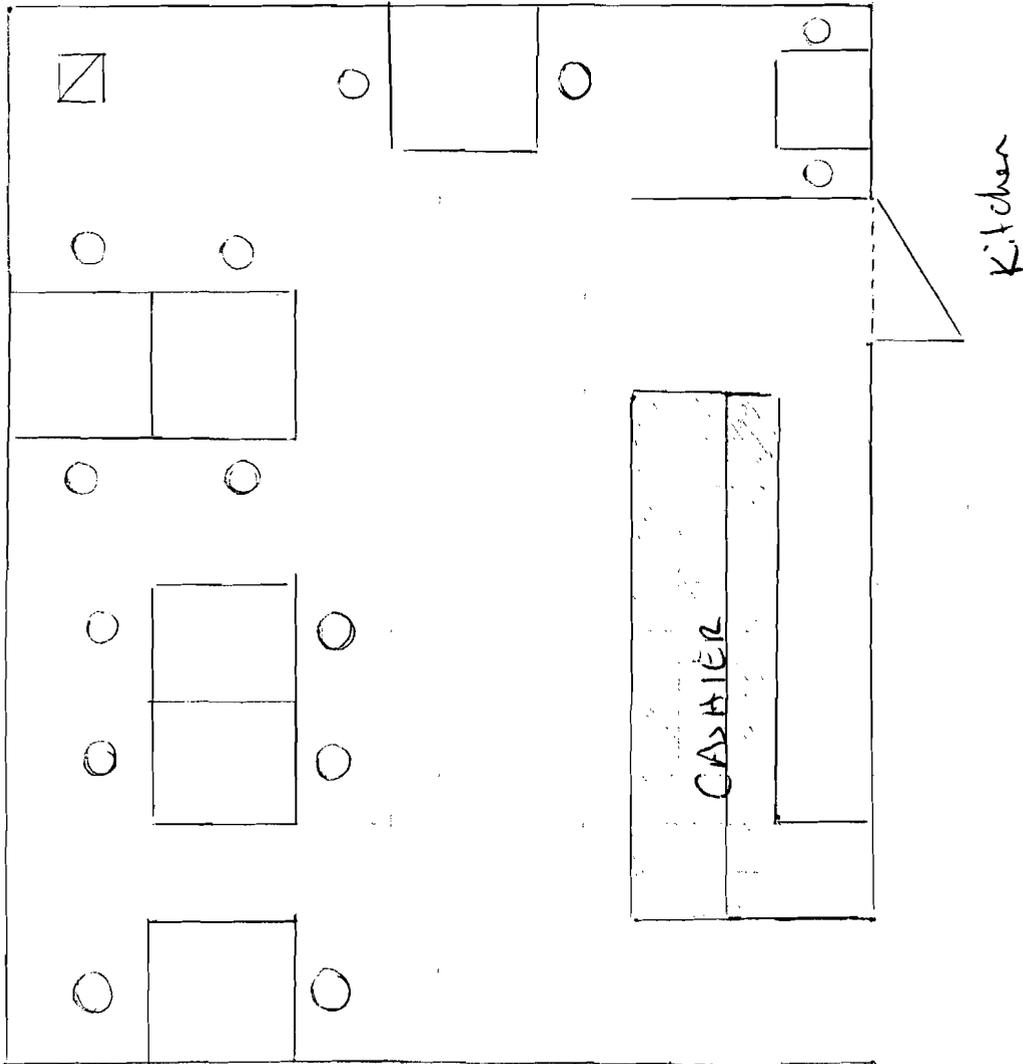
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 Closing by 8:00 PM
 Closing after 8:00 PM but by 10:00 PM
 Closing after 10:00 PM but by Midnight
 Closing after Midnight

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

UPSTAIRS



DOWNSTAIRS



Kitchen

Kitchen

CASHIER

Front floor

93

1000-6002 P/S

← check entrance

OUTSIDE

Street

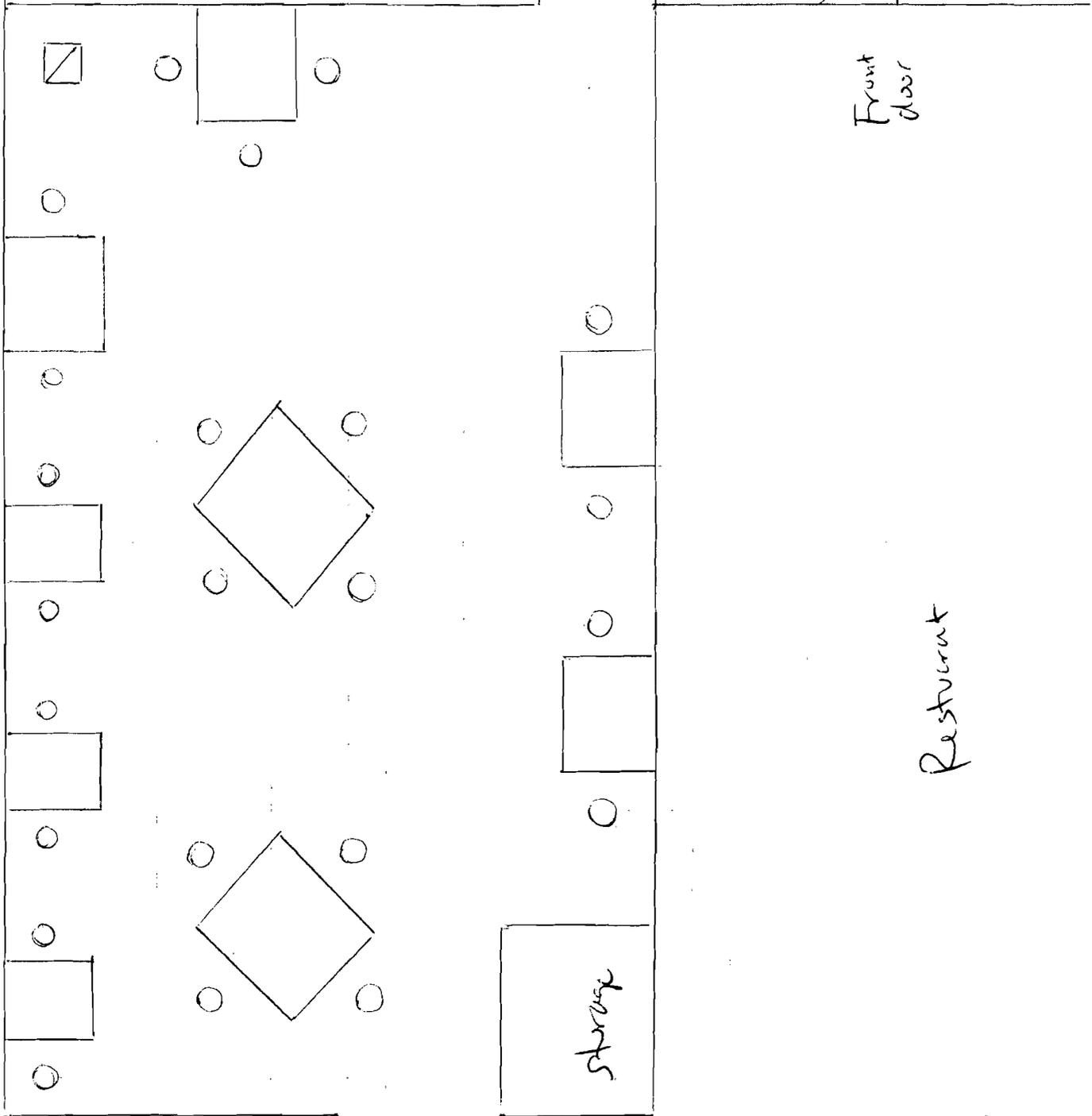
Front door

Restaurant

← check entrance

Parking lot

Storage



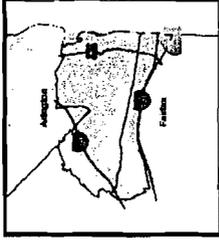
Leased parking
from neighbor

Thai Peppers Parking

Wed-Ks /
Office
Subject restaurant

City of Alexandria

Date Created: 1/2/2009



Legend for Parcel Map

- Metrolink Stations
- City Boundary
- Address Points
- Parcels
- Zoning
- Metrolink Tracks
- Railroads
- Road Labels
- Imagery 2007
- Water
- Parcel Area
- Parcel Perimeter
- City of Alexandria

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Leased parking
from neighbor

1000-600209

MARCH 5



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0001

PROPERTY LOCATION: 2018 Mt Vernon Ave

TAX MAP REFERENCE: 034-04-0611 ZONE: CL

APPLICANT:

Name: Tasneeya Gordon

Address: 2018 Mt. Vernon Ave.

PROPOSED USE: Increase

seating, add delivery, and parking reduction of

existing 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.

Tasneeya Gordon

Print Name of Applicant or Agent

[Signature]

Signature

12/14/08

Date

2018 Mt. Vernon Ave

Mailing/Street Address

71924-0800

Telephone #

Fax #

Alex VA 22301

City and State

Zip Code

thaipoppers@yahoo.com

Email address

Recommended Approval 7-0 4-7-09	DATE:
ACTION-PLANNING COMMISSION:	
ACTION-CITY COUNCIL: CC approved PC recommendation	DATE: 4/18/09
7-0	