

Docket Item #13
SPECIAL USE PERMIT # 2003-0017

Planning Commission Meeting
May 8, 2003

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Sarah E. Pribadi

LOCATION: 108 North Patrick Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, MAY 8, 2003: On a motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission acknowledged that the applicant appeared to have the intention of running a good business, however, the street is primarily residential and that the City should not add restaurant space in Old Town unless there is a compelling reason.

Speakers:

Guy Pribadi, representing the applicant, spoke in support of the business. He stated that the applicant was concerned about the quality of life for the neighborhood, and had considered ways to address noise, parking, odors, trash, and litter on the site. He stated that the applicant would fully abide by all city codes and requirements.

Tom Call, resident at 116 North Patrick Street, spoke against the proposal expressing concerns about a restaurant use operating in a block that is largely residential. Additionally, he was concerned about the over saturation of eating establishments in the area, and about future expansion and intensification of the business.

Gerald Brown, appearing in support of the applicant, discussed his experience with the applicant at her previous operation in Georgetown saying that she was known to have run a clean and honest business, and was well respected in Washington.

Martin Kormanik, property owner at 110 North Patrick, spoke against the proposal expressing concerns about rodent abatement, the upkeep of trash, the potential of expanding the services of the establishment to the upper level of the building, lack of a loading zone in proximity of the subject property, and lack of a waste disposal plan.

STAFF RECOMMENDATION:

Staff recommends **denial** of the request. If the SUP is approved, then 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)
2. No outside dining facilities shall be located on the premises. (P&Z)
3. No live entertainment shall be provided at the restaurant. (P&Z)
4. The hours of operation of the carry-out restaurant shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturday and Sunday. (P&Z)
5. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
6. No delivery service shall be provided. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the carry-out restaurant. (P&Z)
8. Alcohol service shall not be permitted. Off-premise alcohol is permitted in connection with the catering portion of the business only. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Trash and garbage shall be stored 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)
11. 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)
12. The applicant shall post a sign at the entrance stating that no parking is allowed in the adjacent alley. (P&Z)

13. 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.
14. Loading and unloading from the adjacent alleyway shall be limited to two times each week during weekday afternoon hours. (P&Z)
15. The applicant shall install a fence around the cement pad at the rear of the property to enclose the trash area to the satisfaction of the Director of Planning and Zoning. (P&Z)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES)
17. 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 and Environmental Services. (T&ES)
18. No amplified sounds shall be audible at the property line. (T&ES)
19. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. The survey is to be completed prior to opening for business. (Police)
20. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees. (Police)

21. The Director of Planning and Zoning shall review the special use permit six months after the business commences operation and 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, (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)

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.

The property is located in Old and Historic District. Any exterior architectural change such as signs, exterior duct work, or fenestration must be reviewed and approved by the Board of Architectural Review, Old and Historic Alexandria District.

DISCUSSION:

1. The applicant, Sarah Pribadi, requests special use permit approval for the operation of a restaurant located at 108 North Patrick Street.
2. The subject property is one lot of record with 25 feet of frontage on Patrick Street, 30 feet of depth and a total lot area of 1,250 square feet. The site is developed with a two-story, mixed use building, with two apartments on the second floor, and a vacant commercial space on the ground floor. The proposed carry-out would occupy the vacant space on the first floor, previously occupied by a hair salon.

The surrounding area is developed with a mix of commercial, residential, and office uses. To the north of the subject property are residential townhouses, and immediately adjacent to the south is a barber shop.

3. The applicant requests special use permit approval to operate a restaurant providing mostly carry out service. The restaurant will offer up to 10 seats where patrons can dine or wait for their carry out order. There will be three employees. The restaurant will sell hot and cold sandwiches, subs, salads, soups, spring rolls, french fries, sodas, coffees, and teas. The seating area and cashier counter area will occupy 700 square feet of the first floor of the building, with the remainder of the space used for offices, kitchen, and food preparation areas for the restaurant. No alcohol will be served or sold.
4. The restaurant will serve breakfast and lunch and be open from 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturday and Sunday.
5. Trash will be collected at least twice a week. Garbage will be stored on the existing cement pad behind the building where the trash containers for the second floor apartments are stored. The applicant would like to install a fence where the cement area meets the alleyway to better screen it.
6. The applicant will provide trash containers inside the restaurant for patron use. There is a city trash container located on the corner of King and North Patrick Streets to control litter.
7. According to Section 8-300 (B) of the zoning ordinance, a restaurant in the Central Business District is not subject to a parking requirement. In regard to potential parking impacts, the applicant informed staff that it anticipates that a majority of its customers will walk to the business and that it will not be open during evening hours when there is a higher parking demand.

8. The applicant states that it will sell mainly sandwiches and subs so there will be little odor. There will also be a kitchen hood installed for the limited fried foods.
9. For 13 years, the applicant owned and operated the Sarina Satay in Georgetown at 1338 Wisconsin Avenue.
10. Zoning: The subject property is located in the CD/Commercial Downtown zone. Section 4-503 of the zoning ordinance allows a restaurant in the CD/Commercial Downtown zone only with a special use permit.
11. Master Plan: The proposed use is consistent with the Old Town small area plan chapter of the Master Plan which designates the property for Commercial Downtown use.

STAFF ANALYSIS:

Staff recommends denial of the proposed restaurant at 108 North Patrick Street because it would be located immediately adjacent to residential uses.

Staff strongly supports a mix of commercial and residential land uses, especially in Old Town's urban environment. Nevertheless, the particular type of commercial use proposed, a restaurant, is associated with negative impacts not necessarily generated by other commercial uses, including odors, trash, noise, loading trucks, early or late operating hours, and parking congestion. The city has several examples of similar adjacencies which have been challenging in the past, including for example, Mancini's and the Pita House restaurants. The land use conflict posed by restaurants and residences is best mitigated by distance or by less intensive commercial uses occupying areas in between as a transition. Therefore, staff cannot support the proposed restaurant at this particular location, which staff finds to be more appropriate as a low scale commercial use.

The 100 block of North Patrick is a good example of Old Town's mixed use character. The portion of the block closest to King Street and south of the alley is commercial; the remainder of the block north of the alley is mostly residential in both use and character. However, the subject property is very constrained making it difficult for a restaurant to occupy the site without negatively impacting neighbors. In this case, a 10 foot wide alley is all that separates the proposed restaurant use from the nearest residential neighbor. There is no on-site parking for employees, customers or delivery vehicles, and the adjacent alleyway cannot be restricted because it provides access to parking for the residents on the west side of the 100 block of North Patrick Street. Odors would inevitably pass on to surrounding neighbors because of the close proximity. In addition, a restaurant use would result in an increase in activity and noise in the 100 block of North Patrick, which is largely residential and already heavily impacted by traffic noise and other activity associated with King Street and Route 1.

Staff notes that the specific restaurant proposed in this application is very small, with only six to ten seats, mostly for patrons waiting for their carry-out orders, and its customers are likely to be pedestrians who live, work, or are shopping in the area. It is also true that the proposed location is on North Patrick Street and about 75 feet from King Street where there is already a lot of vehicular and pedestrian traffic. As a purely retail space, the property did not contribute significantly to the area, and a small eating establishment may be an opportunity to improve the property. Finally, the restaurant will not serve alcohol, will not have live entertainment, and will be closed during evening hours. These facts work in favor of the small restaurant and the applicant, who owns the building and has successfully operated a restaurant in Georgetown for many years. However, on balance, staff believes that the use should be located elsewhere in Old Town.

Therefore, staff recommends denial of the application.

In the event that City Council decides to approve the request, staff has included a number of conditions to address staff and neighborhood concerns and to limit the establishment to the small operation that the applicant has described.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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 residues 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 and Environmental Services.
- R-3 No amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 The current use is classified as M; the proposed use is B. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities. Note: B use group is for non-dining only. Should applicant require dine-in services, a change of use from B to A is required along with all associated code requirements including a fire prevention code permit.
- C-3 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 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-8 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to 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 review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. The survey is to be completed prior to opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-3 The applicant is not seeking an A.B.C. permit. The Police Department concurs with this.

APPLICATION for SPECIAL USE PERMIT # 2003-0017

[must use black ink or type]

PROPERTY LOCATION: 108 NORTH PATRICK ST.

TAX MAP REFERENCE: 64.03 07 21 ZONE: CD

APPLICANT Name: SARAH E. PRIBADI

Address: 6412 RECREATION LANE, FALLS CHURCH, VA. 22041

PROPERTY OWNER Name: MULIA & SARAH PRIBADI

Address: 6412 RECREATION LANE, FALLS CHURCH, VA. 22041

PROPOSED USE: SANDWICH & SUBS / DELICATESSEN

Restaurant

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

SARAH PRIBADI
Print Name of Applicant or Agent

Sarah Pribadi
Signature

6412 RECREATION LANE
Mailing/Street Address

703-256-9584
Telephone # Fax #

FALLS CHURCH, VA. 22041
City and State Zip Code

2-25-2003
Date

===== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

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

75% HARALD GUY PRIBADI

25% SARAH E. PRIBADI

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

No parking on-site.

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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

PURPOSE OF BUSINESS IS TO OPERATE A SMALL "CARRY-OUT"
STYLE DELICATESSEN STORE (700 SQFT), SELLING HOT & COLD
SANDWICHES, SUBS, SALADS, SOUPS, SPRINGROLLS, FRENCH
FRIER AND NON-ALC. BEVERAGES, SODAS, COFFEE & TEA,
TO MAINLY "TAKE-OUT" CUSTOMERS. THERE WILL BE LIMITED
SEATING FOR WAITING, MAX. 6-10 SEATS. BUSINESS WILL BE
OPEN FOR BREAKFAST & LUNCH ONLY. AN EST. 50 TO 80
CUSTOMERS WILL BE EXPECTED IN AVERAGE PER DAY
THERE WILL BE THREE EMPLOYEES NEEDED FOR THIS KIND
OF OPERATION.

THE HOURS OF OPERATION WILL BE FROM 7:00 AM TO 6:00 PM
DAILY. AND FROM 9:00 AM TO 6:00 PM WEEKENDS.

NO DINNER WILL BE SERVED. WE THINK THAT THIS TYPE OF
BUSINESS WILL NOT DISTURB NEIGHBORS AND CREATE MUCH
NOISE.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☒ a new use requiring a special use permit,
- ☐ a development special use permit,
- ☐ an expansion or change to an existing use without a special use permit,
- ☐ 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).

WE HAVE ESTIMATED ABOUT 50 TO 80 PATRONS AVERAGE
PER DAY BETWEEN HOURS OF OPERATION (7:00 AM TO 6:00 PM)

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

3 EMPLOYEES DURING HOURS OF OPERATION
(BESIDE/EXCL. OWNER)

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

Day:

Hours:

MON - FRI

7:00 AM - 6:00 PM

SAT & SUN

9:00 AM - 6:00 PM

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

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

THIS WILL BE A CARRY-OUT TYPE DELI WITH NO MORE THAN
6 TO 10 SEAT FOR WAITING. ONLY SOUND WILL COME FROM
KITCHEN HOOD INSIDE KITCHEN.

B. How will the noise from patrons be controlled?

THE SHOP IS SEPERATED BY TWO DOORS. ONE FOR ENTRANCE
TO BUILDING AND ONE DOOR FOR EXCESS TO STORE.
MINIMUM SEATING (6-10 CHAIRS) FOR WAITING.

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

SINCE THE MAIN PURPOSE IS TO SELL SANDWICHES, SUBS FOR
BREAKFAST AND LUNCH, THERE WILL BE LITTLE ODOR. AND THE
KITCHEN HOOD WILL BE THE EXHAUST.

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?

PAPER PRODUCTS & BOXES, CANS, CARRY-OUT PRODUCT FOR
PACKAGING, FOOD LEFT-OVERS IN PLASTIC BAGS

B. How much trash and garbage will be generated by the use?

APPROX. TWO - 15/30 BALLON PLASTIC BAGS.

C. How often will trash be collected?

TWICE A WEEK

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

TRASH BOXES WILL BE PROVIDED ON PREMISED
WILL TAKE CARE OF LITTER OUTSIDE, IF CAUSED
BY US / OUR SHOP.

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 residents, employees and patrons?

WHICH ARE RECOMMENDED / REQUIRED BY LAW

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? ☐ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

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.

D. 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.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

B. How many loading spaces are available for the use? ALLEY

C. Where are off-street loading facilities located? BACK OF HOUSE AND
NEXT TO HOUSE IN ALLEY.

2x /week afternoon

D. During what hours of the day do you expect loading/unloading operations to occur?

BETWEEN 3:00 PM TO 4:00 PM

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

ONCE PER WEEK BY FOOD/BEVERAGE SUPPLIERS

ONCE PER WEEK BY OWNER

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?

700 sq. ft. (existing) + _____ sq. ft. (addition if any) = 700 sq. ft. (total)

19. The proposed use is located in: (check one)

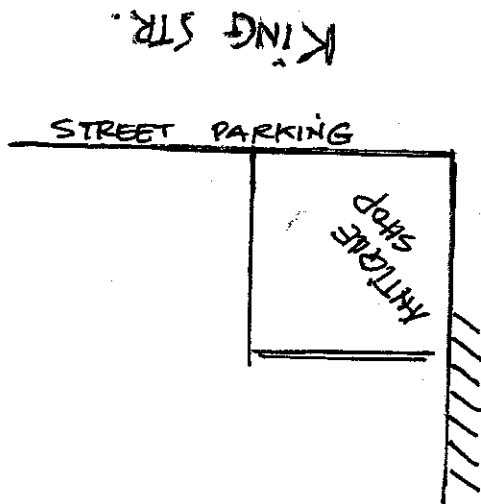
☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

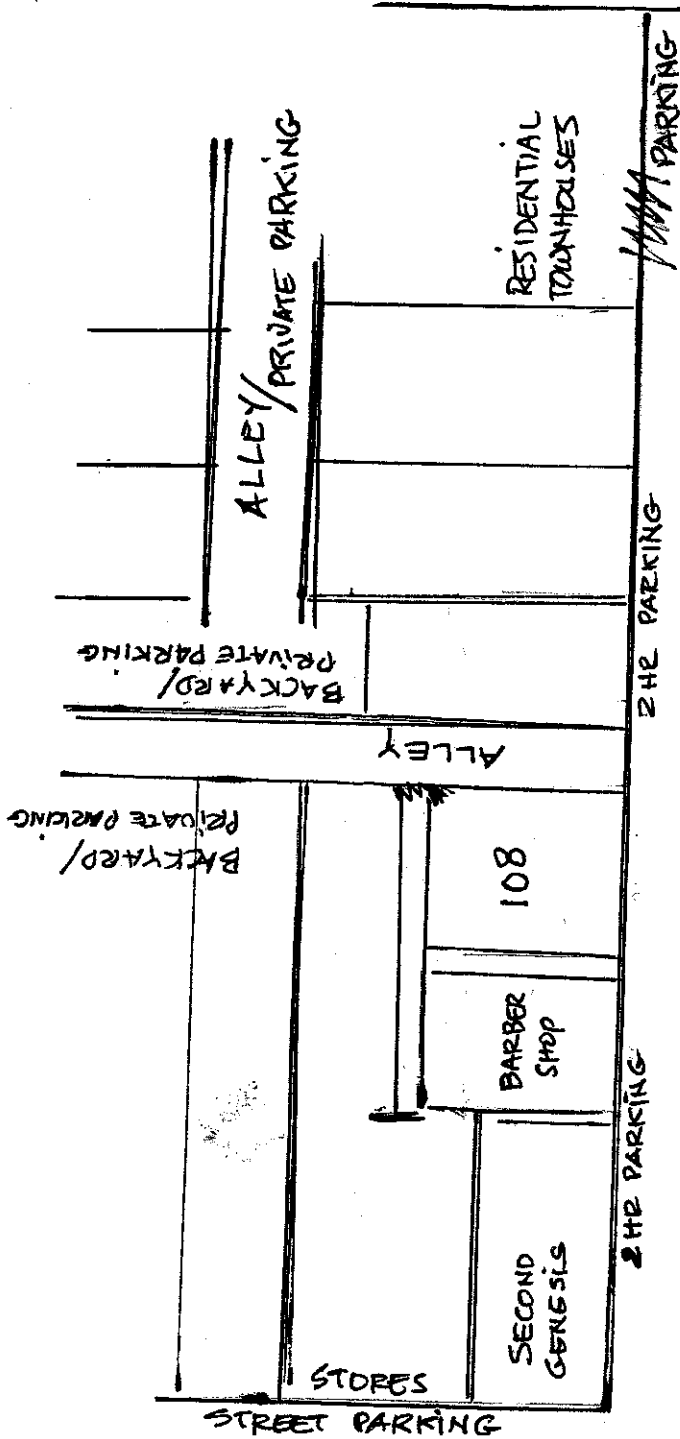
☐ an office building. Please provide name of the building: _____

☐ other, please describe: _____

PLOT PLAN
108 N. PATRICK ST.



KING STR.



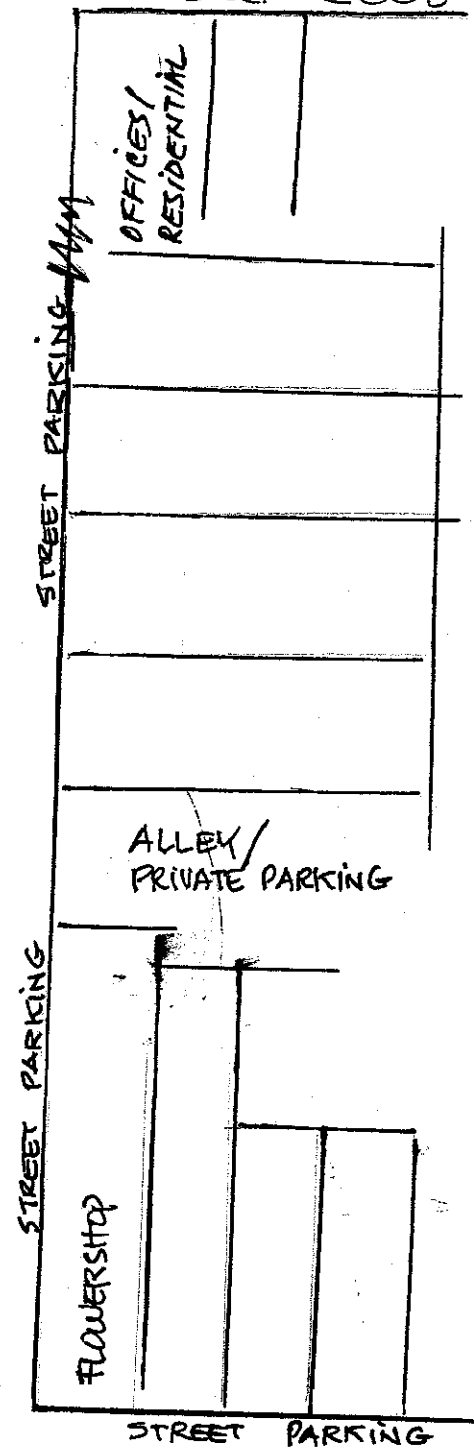
S. PATRICK ST.
(RT-1)

STREET PARKING

20

CAMERON STK. SUP-2003-0017

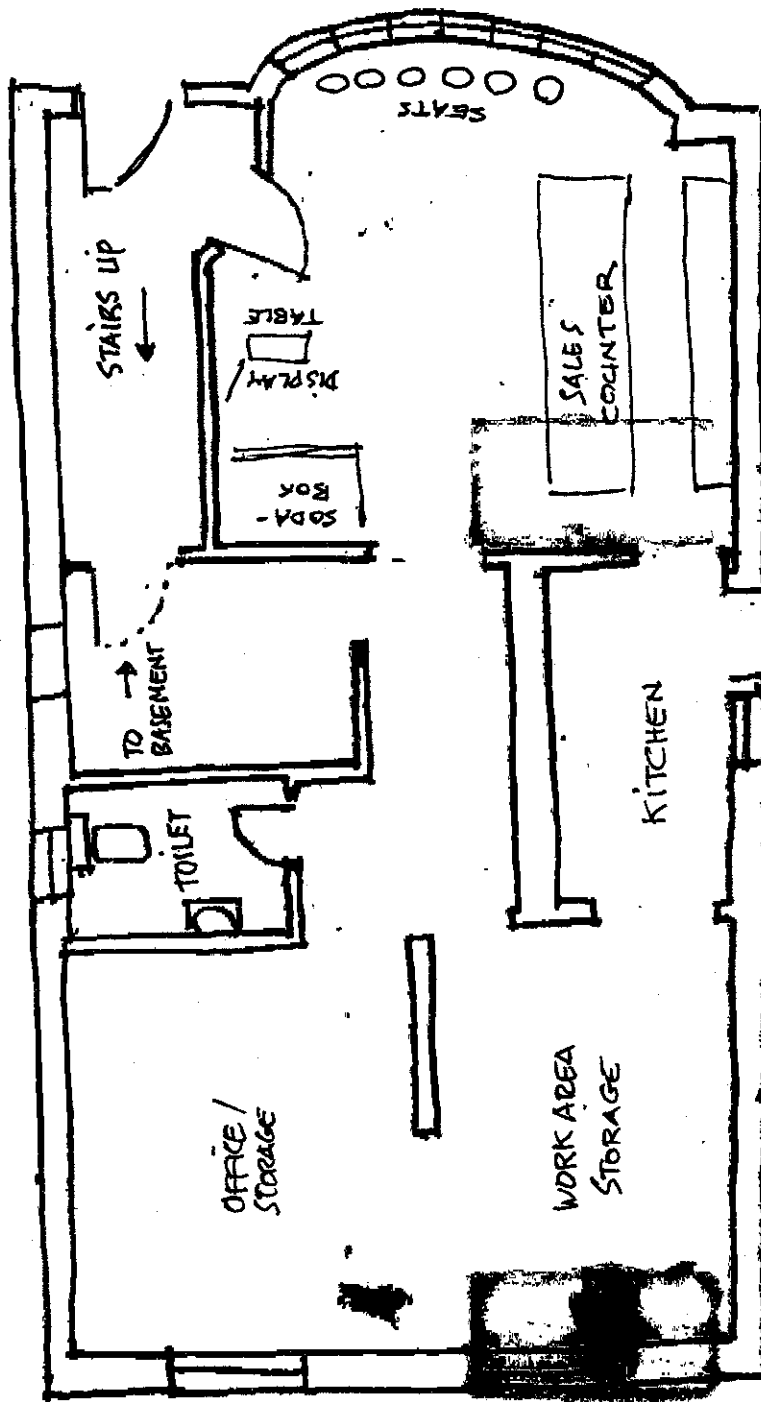
NORTH PATRICK ST. (RT-1)



KING STR.

STREET PARKING

SUP2003-0017



FLOOR PLAN
1/4" = 1'0"

108 N. PATRICK ST.

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 8 At a bar: N/A (NONE) Total number proposed: 8

2. Will the restaurant offer any of the following?

NO alcoholic beverages NO beer and wine (on-premises)

NO beer and wine (off-premises)

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

SANDWICHES, PASTRIES, BREAD, SPRINGROLLS, SOUPS
SUBS, NOODLES (PASTA), NON-ALCOHOLIC BEVERAGES,
SODAS.

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

NO table service NO bar YES carry-out NO delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. ✓ No.

If yes, please describe: _____

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

**CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993**

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
 - A. The parking demand generated by the proposed restaurant.
 - B.. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
 - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
 - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
 - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.
2. Additionally, please answer the following:
 - A. 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
 - B. 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
 - C. What is the estimated peak evening impact upon neighborhoods? **CLOSED EVENINGS**
(check one)
 - ☐ No parking impact predicted
 - ☐ Less than 20 additional cars in neighborhood
 - ☐ 20-40 additional cars
 - ☐ More than 40 additional cars

Litter

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 N/A

1. Maximum number of patrons shall be determined by adding the following:

	_____	Maximum number of patron dining seats
	_____	Maximum number of patron bar seats
+	_____	Maximum number of standing patrons
<hr/>		
	_____	Maximum number of patrons

2. 3 Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

<input checked="" type="checkbox"/>	Closes ^{6.00 PM} by 8:00 P.M.
_____	Closes after 8:00 P.M. but by 10:00 P.M.
_____	Closes after 10:00 P.M. but by Midnight
_____	Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption: N/A
(Check one)

_____	High ratio of alcohol to food
_____	Balance between alcohol and food
_____	Low ratio of alcohol to food

Possible Concerns for Opposing the Deli

General Location: N. Patrick and King

Type: Commercial, Food, Deli, Carryout

Hours of Operation: 7:30 AM -

1. Traffic

- a. Target customers are pedestrians
- b. There is a sufficient number of parking spaces in front of the building
- c. Traffic is only generated during hours of operation

2. Noise

- a. Should not be a considerable factor
- b. No buildings are directly adjacent

3. Pollution

- a. All solid waste generated from the business will be cleanly and properly contained and disposed
- b. An operational exhaust system will be installed

4. Other

Similar shops to compare:

- Misha Coffee Shop (S. Patrick St.)
- Five Guys Hamburgers (N. Alfred St.)
- Deli/Restaurants (King St.)

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SUP 2003-0017

O.D. Systems

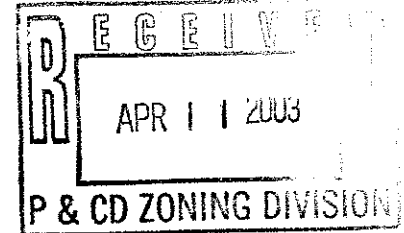
Organization Development

Options for Productivity through People

Assessment • Consulting • Training

10 April 2003

Ms. Valerie Peterson
Department of Planning & Zoning
City of Alexandria
City Hall, Room 2100
301 King Street
Alexandria, VA 22314



Dear Ms. Peterson,

This letter is regarding Special Use Permit (SUP) application #2003-0017 for the property located at 108 N. Patrick Street. I am the property owner at 110 N. Patrick Street. I am also the business owner at 1200 Prince Street.

This letter is to formally oppose approval of the SUP application. The application concerns the first floor of the property, which was previously leased as a hair salon. The property owner is applying for the SUP, with the owner intending to operate the proposed delicatessen restaurant. I and other property owners have no objection to the commercial use of the property as an office or for rental residential units, as the second floor of the property is used currently. We do, however, have strong objections to the SUP allowing the property to be used for a food service operation. Specifically:

- The application suggests the operation will be "carry out" style, yet the plan includes eight seats and a sales counter. This is obviously not just intended for carry out.
- Within the nearby three-block stretch of King Street, there are more than a dozen other retail establishments serving the same type of fare proposed in the SUP application. Another restaurant is not needed.
- There are marked parking spaces in front of the property on N. Patrick Street. We have been told by the city that these spaces are needed for vehicle parking; that the spaces cannot be restricted in any way. Although the SUP application states that the restaurant will not impact traffic flow, the increase in parking demanded by the four restaurant employees and the expected 50-80 patrons, along with the delivery traffic, will *definitely* impact traffic flow.
- The application states that deliveries will occur twice weekly. This is quite different from the majority of restaurants on King Street that generally take deliveries daily. There is no "delivery" zone on N. Patrick in front of the property, and there are no off-street loading facilities. Deliveries cannot be made in the alley. The property has no loading dock or space in back.

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- There is a narrow alleyway between the properties at 108 and 110 N. Patrick Street. This alley serves as the driveway for properties located along the 1000 block of King Street and the 100 block of N. Patrick. Under the previous tenant at 108 N. Patrick, the hair salon owner (i.e., the tenant) as well as patrons and residents of the rental units routinely exceeded the street parking space markers, overlapping the entrance to the alleyway. With the vehicles obstructing the alley, we cannot access our off-street parking without making a three point turn—driving partway into the alley, backing into oncoming traffic on N. Patrick Street, then completing the turn into the alleyway. This obviously creates a substantial safety hazard, in addition to blocking the N. Patrick Street traffic flow. Also, while the Alexandria police have responded positively to our calls to remove the vehicles, we should not have to call the police and take up their time to address an issue for which the property owner should hold responsibility.
- On many occasions (2-3 times a week), the cars of salon patrons and residents of the rental units have been left “parked” in the alley while the car drivers “ran inside for a minute.” Minutes have often turned into an hour or more, blocking the access and creating a safety hazard as noted above.
- Despite the factors regarding the impact on traffic flow and parking noted in the items above, the SUP application does not include a Parking Management Plan.
- There will be an increase in trash and garbage due to packaging and waste product from the restaurant kitchen and retail operation. The SUP application provides minimal information regarding trash and garbage removal. Current residential tenants usually do not put their trash out for pick up. Instead, their trash is placed curbside by an adjacent property owner on Sunday evening for Monday morning pick up by City trash crews. Previous commercial tenants, being closed on Sunday, placed their trash curbside on Saturday evening for pick up by City trash crews. By Monday morning, this trash was often scattered about and drifting to adjacent properties. Adding food waste to the existing situation would likely exacerbate the rodent abatement efforts.
- The SUP application states that the owner “will take care of the litter outside, if caused by us” but no provisions are made for addressing the litter caused by the restaurant patrons. Although the city should not be removing the trash generated by this commercial property, the SUP application makes no provision for commercial trash removal or disposal of toxic agents, such as the grease used for frying foods.
- The SUP application states that the restaurant operation will not “disturb neighbors” or “create much noise,” and the “only sound will come from the kitchen hood inside the kitchen.” In addition to the trash and other refuse, there will be increased foot traffic from the four employees and anticipated 50-80 patrons. The increase in noise level, coupled with the likelihood of loitering and smoking, will definitely disturb this neighbor.
- The SUP application states that the restaurant will create “little odor” and includes no specifics addressing code restrictions for venting into the public way. Every food service operation creates smells, and smells generated by the proposed restaurant would definitely encroach on my adjacent property. Cars illegally “parked” in the alleyway already generate smells that permeate my home. Cooking odors would make the situation worse.

- Although in recent months some effort has been made to maintain the property, historically, it has not been kept up. Broken sheet glass, a broken fence, paint cans, a toilet for mobility-impaired individuals, and other trash items have been left in the public right-of-way until I or another property owner removed the refuse.
- Due to the nature of the business, it is likely that this will primarily be a cash operation. This poses increased risk due to the potential for robbery.
- Also worth noting is the higher liability to the city due to increase in pedestrian traffic and the minimal enforcement of the 25 mile per hour speed limit on the Patrick Street corridor.

We hope that the Planning Commission does not approve SUP #2003-0017. The 100 block of N. Patrick Street is primarily residential. There are currently no food service establishments and only 2-3 commercial operations. Approving the SUP will disrupt the existing balance and be detrimental to property values. Thank you for your consideration of this matter.

Sincerely,



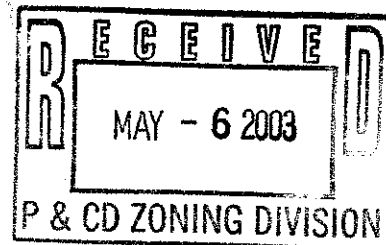
Martin B. Kormanik, ABD
President & CEO

MBK/aks

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Sup #2003-0017

LAW OFFICES
MAX N. BERRY
3213 O STREET, N.W.
WASHINGTON, D.C. 20007



TELEPHONE
(202) 298-6134

FAX: (202) 333-3348
INTERNET: OnOStreet@aol.com

May 5, 2003

Director of Planning & Zoning
301 King Street
Room 2100
Alexandria, Virginia 22314

To Whom It May Concern:

This letter is to state that I have known Lee Pribadi, as well as a restaurant which he owned for many years in Georgetown, Washington, D.C., and can attest to the fact that he and his establishment were first rate, clean and sanitary and was loved by all in our neighborhood. As you know, Georgetown is similar to Old Town Alexandria in that it prides itself in keeping its historic nature through proper restoration and proper, community caring retail establishments. I have served on the Georgetown Business and Professional Association for many years and am on the Executive Committee and a Board member of the Business Improvement District in Georgetown. In addition, I have been a civic leader in Washington for over forty years, and am keenly aware about how retail should relate to neighborhoods. They must be respectful at all times to neighbors concerning noise, traffic, sanitation and friendliness. The establishments of Mr. Lee Pribadi have always been an A+ and a good neighbor with respect to serious considerations which historic districts must maintain.

It is therefore without reservation that I recommend that Mr. Pribadi's desire to have a delicatessen/sandwich shop at 108 N. Patrick Street be approved for a special use permit.

Thank you very much for your consideration of this letter. I will be more than pleased to answer any questions which you might have.

Sincerely yours,

A handwritten signature in dark ink, appearing to be "Max N. Berry", written over a horizontal line.

Max N. Berry

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Sup#2003-0017



124 North Patrick Street
Alexandria, Virginia 22314-3025
April 26, 2003

Planning and Zoning Commission
City of Alexandria, Virginia
301 King Street
Alexandria, Virginia 22314

Dear Members of the Commission:

I am writing to express my concerns about a request for a Special Use Permit (number 2003-0017) for a property at 108 North Patrick Street. The building, along with many others in this block of Patrick Street, is zoned for commercial use; and the owners are proposing to change its most recent commercial use as a grooming salon to a small restaurant and food service carry out use. Although my property at 124 North Patrick Street shares the CD zoning of 108 North Patrick, my building and many others in the 100 block of Patrick Street are used residentially. I have no objection to a continued commercial use of 108 North Patrick, but I protest the suggested change in commercial usage to that of a food service facility. I fear a potentially negative impact on the residential parts of the neighborhood if this SUP is approved.

The surrounding area (King, Patrick and Henry Streets) already has numerous small restaurants and food service establishments which serve the food carry-out needs of the office buildings and residences that choose to use carry-out food. We simply do not need another provider of such food services in the immediate neighborhood. What we absolutely do not need are the collateral problems that this establishment could introduce into our block. I have a copy of the proposal submitted by the property owner; and I do not see adequate provisions made for parking, trash pickup, or arrangements for the loading and off-loading of supplies. Even if most of the restaurant's patrons arrive on foot, the owners and estimated three employees will likely come in vehicles that will need to be parked in the area for several hours per day. In section 15, Part C, the applicant has indicated that vehicles delivering supplies will off-load in the "back of house and next to house in alley." That is going to block a busy alley which provides access to the backs of many businesses on King Street and the off-street parking areas of the residents whose houses front on North Patrick. As far as trash goes, the applicant indicates in section 9 of the proposal that trash will be picked up twice a week, but does not describe to my satisfaction what will be done with stored trash (which will include perishable and possibly smelly food products) between those trash collections or what will be done to prevent litter from disposable food containers.

I have lived in this neighborhood since December of 1965 (at 919 Cameron, 126 North Patrick and now in an extensively renovated building at 124 North Patrick) and have seen

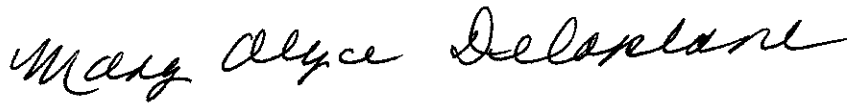
Planning and Zoning Commission

April 26, 2003

Page Two

many neighborhood improvements in those years. I would like those improvements and the accompanying increases in property values to continue, and assume that City officials share those hopes. I do not feel that changing the current commercial use of 108 North Patrick into a commercial short-order food service facility is in keeping with those goals, and I hope that you will oppose this Special Use Permit for the property at 108 North Patrick Street.

Sincerely,

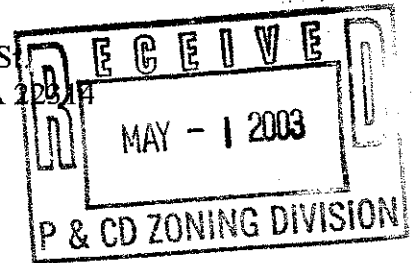
A handwritten signature in cursive script that reads "Mary Alyce Delaplane". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mary Alyce Delaplane

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SUP # 2003-0017

116 N. Patrick Street
Alexandria, VA 22314

April 26, 2003



Chairman
Planning and Zoning Commission
City of Alexandria
City Hall, Room 2100
301 King Street
Alexandria, VA 22314

Attention: Ms. Valerie Peterson

Dear Mr. Chairman,

This letter is in reference to an application for a Special Use Permit (SUP #2003-0017) at 108 N. Patrick Street, 1st floor. The proposed use is for a sandwich and sub/delicatessen take-out.

My name is Tom Call. I live at 116 N. Patrick Street, four doors from 108 N. Patrick. I join our neighbors in opposing this proposed use for the following reasons:

1. Our neighborhood

The 100 block of North Patrick Street is primarily a residential neighborhood with a few commercial businesses. There are approximately 23 families living on the block in both apartments and single family homes. There is a barbershop, a beauty salon (now closed), a counseling center, and the Patrick Street Club. It is a well-kept, quiet, diverse family neighborhood in the midst of a bustling King Street business environment. While there is much vehicle traffic, there is little pedestrian traffic. There is limited on-street parking and no off-street parking between 6am-6pm.

2. Need

There are approximately 18 small restaurant and deli-sub type of businesses within a two-block area of 108 N. Patrick (See attached map). To approve another would over saturate this area and serve no apparent and/or demonstrable need.

3. Code enforcement

There is no kitchen in the building's first floor, therefore requiring extensive renovation. This raises questions of acceptable venting of odors (where?), garbage/trash cleanup and disposal, and deliveries, etc. Will the owner/operator come back to you for alcohol sales if business is not reaching an expected level? Will they ask to expand by adding tables? Are we beginning down a road that will erode the residential quality of life on the block?

4. Parking

There is limited metered/non-metered parking on the block now and no off-street parking between 6am-6pm. With three employees' and the ownership vehicles added to the parking mix, parking for residents will become more restricted. Customers attempting to park for service will make traffic on Rt. 1 more hazardous and chaotic than it is now. Previous experience has shown that some customers of 108 N. Patrick often parked in the public alley between 108 and 110 (a private residence) or used street parking, blocking the ally entrance, and the access to residents, motorists, and pedestrians. Effectively policing this problem is almost impossible.

5. Property values

Preserving inner-city neighborhoods and improving their quality of life is a worthy goal. A safe, clean, quiet, peaceful, and well-maintained neighborhood is essential to maintaining property values. With assessments reaching new highs this year, some homes and apartment houses on this block sold for prices approaching a million dollars. Putting a deli/sub take-out in our midst seems counter-productive to those goals.

I have lived on this block for 18 years. I have seen and helped along many positive changes during that time. We, as a neighborhood, work hard to maintain the delicate balance between residential issues and the needs of the commercial community. Please help us continue our progress by denying this SUP.

Sincerely,


Tom Call

GOURMET CTR + DELI 817

818 CRETE KOU

BITTERSWEET 823

N. ← ALFRED → S.

LEX CAJUN 907
MAJESTIC CAFE 911

904 OLD TOWN MKT

MISHA'S
100

N. PATRICK

S. PATRICK

ST

KINGSBURY
CHOCOLATES 1017

CHINTANA 1019

1024 PASTA PRASANT

1018 GOURMET DELI

1026 SPEEDY'S

1028 NICKELS + SCHEFFLER

N. HENRY
EXPRESS CAFE

1101 (DELI) (KING ST)

FIVE GUYS
108

KING

S. HENRY

1106 LE GAULOIS

1116 TIFFANY TVN

1118 BISTRO LAFAYETTE

1120 VERMILION (FORMERLY KINGFISH)

ST

PRINCE

N. ← FAYETTE → S.

214

FIRE HOOK
BAKERY

CAMERON

(METRO)

LEGEND

★ 108 N. PATRICK
EXISTING RESTAURANT
DELI'S, TAKEOUTS,
OFFERING SUBS.,
SANDWICHES, PASTRIES
AND DRINKS AND
DESSERTS.

TEL 4/26/1

APPLICATION for SPECIAL USE PERMIT # 2003-0017

[must use black ink or type]

PROPERTY LOCATION: 108 NORTH PATRICK ST.

TAX MAP REFERENCE: 64.03 07 21 ZONE: CD

APPLICANT Name: SARAH E. PRIBADI

Address: 6412 RECREATION LANE, FALLS CHURCH, VA. 22041

PROPERTY OWNER Name: MULIA & SARAH PRIBADI

Address: 6412 RECREATION LANE, FALLS CHURCH, VA. 22041

PROPOSED USE: SANDWICH & SUBS / DELICATESSEN

Restaurant

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

SARAH PRIBADI
Print Name of Applicant or Agent

Sarah Pribadi
Signature

6412 RECREATION LANE
Mailing/Street Address

703-256-9584
Telephone # Fax #

FALLS CHURCH, VA. 22041
City and State Zip Code

2-25-2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 5/8/03 RECOMMEND DENIAL 7-0-0

ACTION - CITY COUNCIL: 05/17/03PH--CC approved the Planning Commission recommendation, and denied the Special Use Permit