

EXHIBIT NO. 1

8
9-21-04

Docket Item #7
SPECIAL USE PERMIT #2004-0068

Planning Commission Meeting
September 9, 2004

ISSUE: Consideration of a request for a special use permit amendment to increase the number of seats and hours of operation at a restaurant.

APPLICANT: Quzino's Subs
by Mohammed Hossain

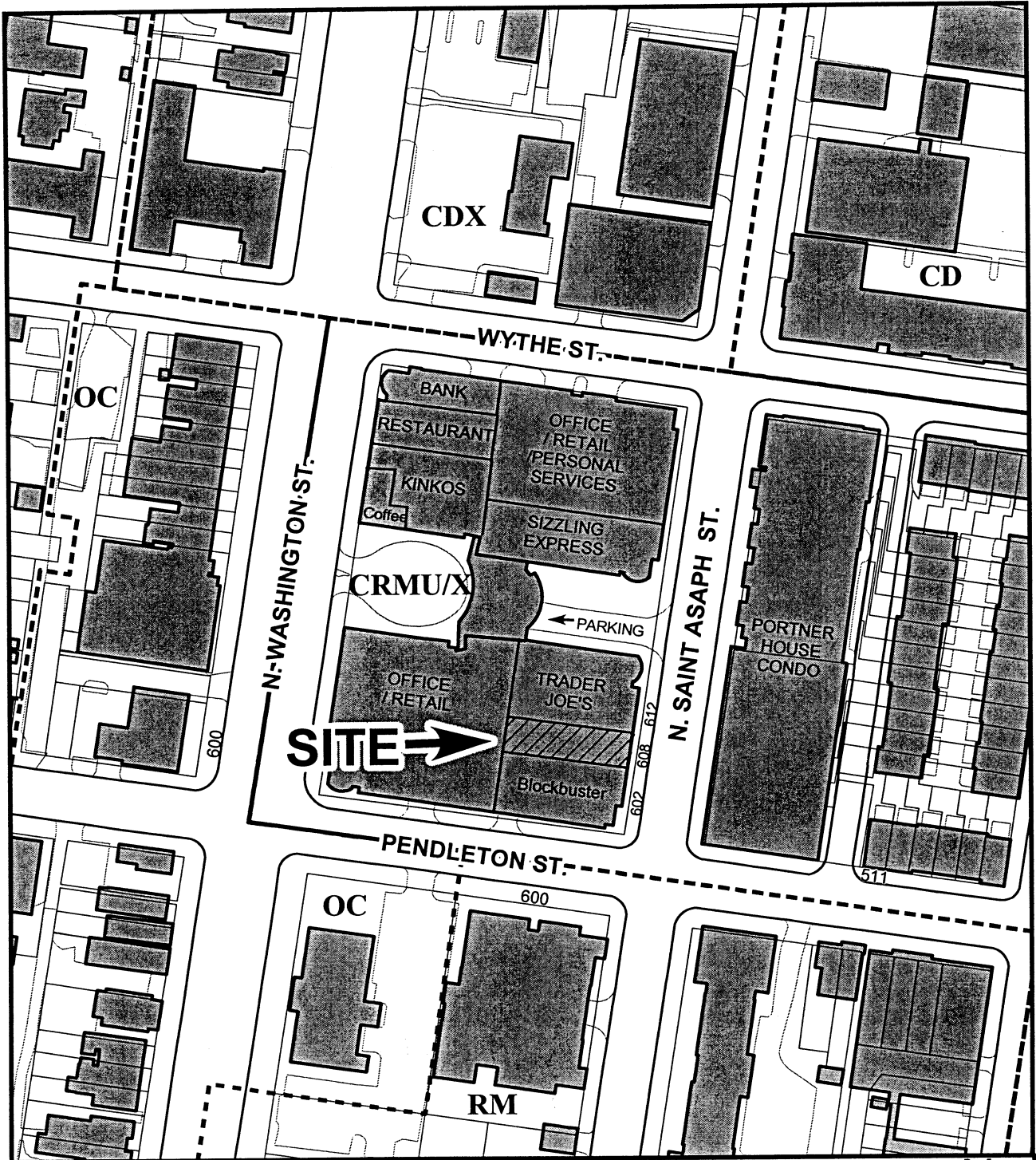
LOCATION: 608 North Saint Asaph Street

ZONE: CRMU-X/Commercial Residential Medium Use

PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



SUP #2004-0068

09/09/04



I. DISCUSSION

REQUEST

The applicant, Quizno's Subs by Mohammed Hossain, requests a special use permit amendment to increase the number of seats and hours of operation at a restaurant located at 608 North Saint Asaph Street, within the Saul Center.

SITE DESCRIPTION

The subject property is part of one lot of record with approximately 353 feet of frontage on North Washington Street, approximately 246 feet of frontage on Wythe Street, and a total lot area of approximately two acres. The restaurant occupies 1,165 square feet. The site is developed with two commercial buildings separated by an open courtyard. Structured parking for retail uses is provided under the buildings, primarily below grade. The property is located in the Old and Historic Alexandria District.

To the north of the site is an Exxon service station. To the east is Portner's Landing residential development. Offices and retail establishments are located to the west and south.

CURRENT RESTAURANT CHARACTERISTICS

The applicant is operating a Quizno's Subs restaurant with 10 seats that serves oven-toasted submarine sandwiches, soups, salads and desserts. The applicant does not sell any alcohol, nor does it provide entertainment. The approved hours of operation for the restaurant are from 9:00 A.M. to 11:00 P.M. Monday through Friday, 11:00 A.M. to 11:00 P.M. on Saturdays, and 11:00 A.M. to 6:00 P.M. on Sundays. Between 100 and 150 customers patronize the business daily. The restaurant is operated by the applicant and three to five part-time employees.

Paper cups, wrappers, boxes and food waste constitute the majority of the garbage generated by the restaurant. Trash is disposed of in the on-site dumpster located within the building and is collected once a week, as determined by the property management company.

Deliveries of goods and supplies to the restaurant occur on a weekly basis between the hours of 9:00 A.M. and 10:30 A.M. in the loading dock located on Wythe Street.

Staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSED EXPANSION OF THE RESTAURANT

In order to accommodate the daily demand for additional seating, particularly at lunch time, the applicant seeks permission to add 10 seats to the approved restaurant for a total of 20 seats.

In addition, the applicant proposes to amend condition # 6 to extend the Sunday closing hour from 6:00 P.M. to 8:00 P.M.

No other changes are proposed to the operation of the restaurant.

PARKING

Parking for the restaurant is provided in the adjacent parking garage accessed from Saint Asaph Street. Pursuant to Section 8-200(A)(8) of the zoning ordinance, a restaurant with twenty seats is required to provide five parking spaces. Under the development special use permit approval for the buildings, a minimum of 597 parking spaces is provided, and the approved building permit depicts a total of 177 retail parking spaces. Therefore, the requirement is easily met.

BACKGROUND

On October 17, 1998, City Council granted Special Use Permit #98-003, with site plan, to Saul Centers Inc. for the construction of two commercial buildings with a total of 218,085 net square feet, including ground floor retail and personal service uses. Since that approval City Council has granted two separate special use permit approvals for restaurants: Starbucks fronting on Washington Street (SUP #2000-0038) and Sizzling Express (SUP #2000-0097, SUP#2002-0018), which is located across from the Trader Joe's grocery store on Saint Asaph Street.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-X/Commercial Residential Mixed Use (Old Town North) zone. Section 5-403(V) of the zoning ordinance allows a restaurant in the CRMU-X zone only with a special use permit. The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property for commercial residential mixed use.

II. STAFF ANALYSIS

Staff has no objection to the proposed special use permit amendment for the restaurant located at 608 North Saint Asaph Street as neither the later closing hour nor the additional seats will have a negative impact on the surrounding uses. The additional seats will accommodate the higher seating demand during lunch hours for business people who work in the close vicinity. The restaurant is compatible with the other retail, personal service and restaurant uses envisioned as tenants of the ground floor retail spaces of both buildings.

Staff has retained the standard restaurant conditions and a condition requiring a review of the restaurant one year after approval.

Staff notes that condition #18, which requires all loading to occur from the two loading bays on Wythe Street, relates to the original approval for the Washington Center development, which included approval of a reduction in the number of loading bays required to the provided two (DSUP2000-0025). Staff is not aware of any violation of the condition by Quzino's Subs.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP2001-0038)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 10 20 patrons. ~~(P&Z) (SUP2001-0038)~~ (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP2001-0038)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP2001-0038)
5. No delivery service shall be provided. (P&Z) (SUP2001-0038)
6. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited from 9:00 A.M. to 11:00 P.M. Monday through Friday, 11:00 A.M. to 11:00 P.M. on Saturdays, and 11:00 A.M. to ~~6:00~~ 9:00 P.M. on Sundays. ~~(P&Z) (SUP2001-0038)~~ (P&Z)
7. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP2001-0038)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP2001-0038)
9. Alcoholic beverages shall not be sold. (P&Z) (SUP2001-0038)
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP2001-0038)

11. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP2001-0038)
12. 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) (SUP2001-0038)
13. 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) (SUP2001-0038)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2001-0038)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors and smoke ~~from the property to prevent them from~~ 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) (SUP2001-0038)~~ (T&ES)
16. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. ~~(P&Z) (SUP2001-0038)~~ (T&ES)
17. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police) (SUP2001-0038)~~ (Police)
18. All loading or unloading shall take place in the loading bays on Wythe Street. (P&Z) (SUP2001-0038)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the

permit for review as a result of a complaint that rises to the level of a violation, 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) ~~(SUP2001-0038)~~ (P&Z)

20. Employees who drive to work are required to use off-street parking. (City Council) (SUP2001-0038)
21. **CONDITION ADDED BY STAFF: The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)**
22. **CONDITION ADDED 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. (P&Z)**

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Bettina Irps, Urban Planner.

Staff Notes: 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.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review.

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.
- R-2 The applicant shall control 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 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 The current approved occupant load for the property is 10 persons (Patrons and Employees).
- C-1 The applicant is requesting an increase in occupant load to seat up to 20 patrons. The applicant must apply for a new Certificate of Occupancy for the new occupant load. The new occupant load must include both employees, seated patrons and standing customers. This number will be greater than 20 persons but less than 49 due to the limit of one exit from the tenant space.
- C-2 The applicant shall submit a scale drawing of the tenant space with the proposed seating plan and fixture location to Code Enforcement. A review of that plan and the available square footage will determine if the requested number of occupants is in compliance with the USBC.
- C-3 A revised fire prevention code permit is required for the proposed operation. A revised egress plan showing fixture location, aisles and exit doors shall be submitted for review with the revised permit application.

Health Department:

F-1 No objections to additional seating and changes to hours of operation.

Police Department:

F-1 No objections to the extended hours or additional seating.

F-2 The applicant has had the security survey and robbery awareness program completed.

APPLICATION for SPECIAL USE PERMIT # 2004-0068

[must use black ink or type]

PROPERTY LOCATION: Quignos Subs 608 N. Saint Asaph St. Alexandria, VA 22313

TAX MAP REFERENCE: 54.04-15-01 ZONE: CRMU-X

APPLICANT Name: Mohammed A. Hossain

Address: 608 N. Saint Asaph St. Alexandria, VA 22313

PROPERTY OWNER Name: ~~Ho~~ Saul Centers

Address: _____

PROPOSED USE: increasing seating and extend hours of business on Sunday.

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.

Mohammed A. Hossain
Print Name of Applicant or Agent

M. A. Hossain
Signature

608 N. Saint Asaph St
Mailing/Street Address

(703) 299-6123 (703) 299-6744
Telephone # Fax #

Alexandria VA 22313
City and State Zip Code

06-28-04
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.

Mohammed A. Hossain, 100% ownership
2001 Edgar CT Falls Church, VA 22043

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.

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)

What I'm proposing is to extend the seats in the restaurant. I believe that my customers would be pleased to have a sufficient amount of seating areas. I would also like to extend my business hours on Sundays. Instead of opening from 12^{pm} 6pm I would like to stay open from 12^{pm} 8pm. This will generate more customer to my business. I think this is necessary because many customers have expressed their opinions & requested that the store be open until 8:00pm. Due to this I'm requesting the city to consider allowing me to extend my seats in the store and extend my business hours on Sunday. Please consider approving my requests.

Thank you

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).

I would like to have my restaurant open from
12pm - 8pm on Sundays.

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

I have adequate staff available to me
I only need the city's permission to extend
seating & extend business hours on Sundays.

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

Day:

Mon - Sat
Sunday

Hours:

am 11:00 - 9:00 pm
12:00am - 8:00 pm

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

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

There aren't any disrupting noises
in the restaurant.

B. How will the noise from patrons be controlled?

If there were any noise which
was offending customers, then it would
be dealt with immediately.

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

There aren't any disliked odors
in the restaurant but if there were it would
be taken care of.

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?

There won't be much difference from ~~to~~ the
way things are now garbage is cleaned everyday by
employees.

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

Not much garbage will be generated,
just as it used to be.

C. How often will trash be collected?

Trash is changed twice daily to
provide a sanitized & clean eating environment.

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

There are garbage cans posted in the
front with signs & garbage cans in the
prep areas to prevent littering.

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:

we handle foods such as produce
meats and also cleaning products.
But these are kept very sanitary.

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:

we use degreaser to clean but that's
about the most harmful chemical we use.

12. What methods are proposed to ensure the safety of residents, employees and patrons?

we have proper material usage procedures
posted and customers are instructed and warned
of hazardous materials.

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?

There is a parking lot right next to the store
unlimited parking spaces are available.

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

parking lot Standard spaces
parking lot Compact spaces
parking lot 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? _____

C. Where are off-street loading facilities located? _____

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

They would occur before the store
opens early in the mornings from 9-10:30am

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

Usual only once or twice 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?

The location is pretty simple and OK to
catch on.

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?

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ 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: its in a strip mall we stand
alone but we have many ~~things~~
office buildings not.

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: 20 At a bar: _____ Total number proposed: 20

2. Will the restaurant offer any of the following?

_____ alcoholic beverages _____ beer and wine (on-premises)
_____ beer and wine (off-premises)

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

the food served are sandwiches
and soda & chips.

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

_____ table service _____ bar carry-out delivery

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

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?
(check one)
 - No parking impact predicted
 - Less than 20 additional cars in neighborhood
 - 20-40 additional cars
 - More than 40 additional cars

Key

O - Seats proposed

□ - Tables

▬ - attached wall seats

└─ - attached wall tables

Quizno's

608. N. Saint Asaph St.

Alexandria, VA 22313

P. (703) - 299 - 6123

