

Docket Item #8
SPECIAL USE PERMIT #2007-0124

Planning Commission Meeting
January 3, 2008

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

APPLICANT: Diamond Commercial, LLC
by David Chamowitz

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 506 N. Henry Street

ZONE: CRMU-H/Commercial Residential Mixed Use High

PLANNING COMMISSION ACTION, JANUARY 3, 2008: On a motion by Mr. Jennings, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances, staff recommendations and amended condition #2. The motion carried on a vote of 6 to 0. Mr. Wagner was absent.

Reason: The Planning Commission generally agreed with the staff analysis but felt that the closing hour should be earlier.

Speakers:

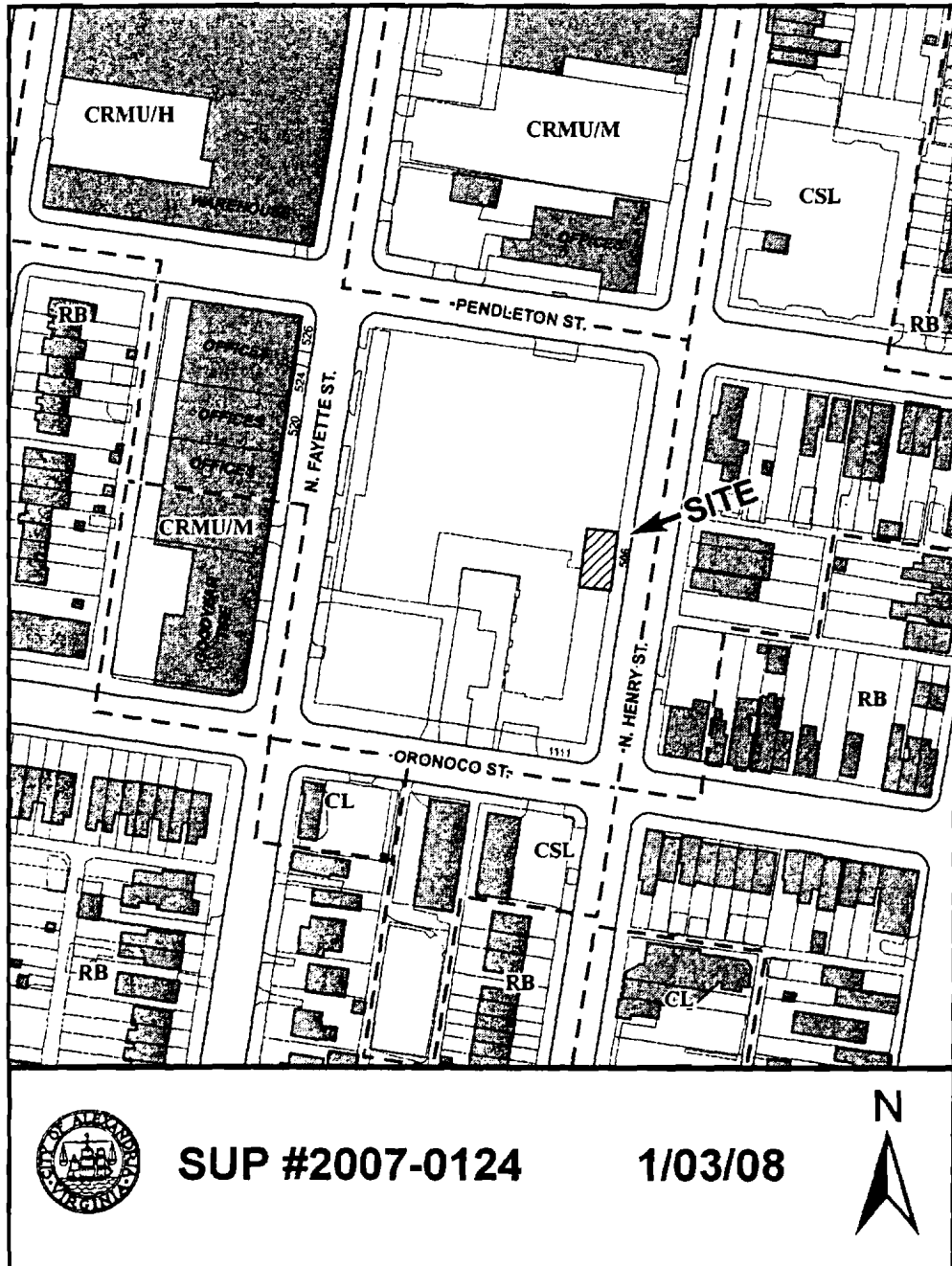
Sarah Becker, 1200 Princess Street, spoke about the neighborhood opposition to the midnight closing hour and gave examples of restaurants in the neighborhood with earlier closing hours.

Leslie Zupan, 1309 Queen Street, President of the Inner City Civic Association, stated that the community is not divided over the closing hour, the neighborhood wants an earlier closing hour.

Hillary Jarvis, 1020 Oronoco Street, presented a petition from the neighborhood requesting a closing hour of 10:00 pm on weeknights and 11:00 pm on weekends.

Heidi Ford, 1022 Oronoco Street, spoke against the midnight closing hour.

David Chamowitz, attorney, represented the application and requested that delivery be allowed to continue until midnight if the dine-in and carry-out closed at 10:00 pm weeknights and 11:00 pm weekends.



SUP #2007-0124

1/03/08



I. DISCUSSION

REQUEST

The applicant, Diamond Commercial, LLC, requests approval of special use permit for the operation of a restaurant located at 506 North Henry Street.

SITE DESCRIPTION

The subject property is comprised of 6 lots of record with 353 feet of frontage on North Fayette, 246 feet of depth and a total lot area of 87,174 square feet. The site is developed by the Monarch development which consists of residential condominiums on the upper floors with ground level retail. The proposed restaurant is located on the North Henry Street frontage. Parking is provided within a two level below-grade parking garage accessed from Pendleton Street



The surrounding area is occupied by a mix of residential, retail, personal service and office and automotive repair uses. Immediately to the north is a parking lot and auto garage. To the south is a Texaco gas station. To the east is a hair salon and office space. To the west is an auto garage, retail and office space. The property on the corner to the north-west of the subject property, 621 North Payne Street is approved to be developed with a condominium development.

BACKGROUND

The subject unit is a vacant ground floor retail space intended for retail, personal service or restaurant uses.

PROPOSAL

The applicant proposes to operate a Chinese restaurant with carry-out, delivery and limited indoor seating. The applicant wishes to have the option of providing outdoor seating on the grounds of the Monarch if customer demand dictates it.

Hours: 9:00 am – 12:00 am, daily

Number of seats: 12

Delivery: Maximum of 2 drivers, drivers will use their personal vehicles and park off-street

Noise: No noise will be audible at the property line

Trash/Litter: Trash will be collected daily; the development has provided trash cans on the street to control potential litter

PARKING

Parking for all tenants of the first floor retail space in the Monarch mixed use development is provided in the on-site underground parking garage with access from Pendleton Street. Pursuant to DSUP #2003-0019, 73 parking spaces are required for the first-floor retail space and 75 are provided.

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. The proposed restaurant will contain 12 seats and therefore will be required to provide 3 off-street parking spaces. The required parking spaces are provided in the interior alley and the below ground parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-H zone, Commercial Residential Mixed Use (high). Section 5-303 of the Zoning Ordinance allows a restaurant in the CRMU-H zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for residential, commercial and office mixed use.

II. STAFF ANALYSIS

Staff is supportive of the Special Use Permit at the Monarch Development. The ground floor was designated for community oriented retail and service uses. Staff feels that a small restaurant is a good fit for the high visibility of North Henry Street. To help enhance the vibrancy of the site and neighborhood, staff is including a condition to allow administrative approval of outdoor seating should the applicant wish to incorporate that into the restaurant.

While supportive of the application, staff has heard from community members with regard to the late hours of operation. Some community members have expressed concern that a closing hour of midnight will increase the potential for conflicts in the immediate neighborhood. These concerns were discussed by the Inner City Civic Association at their December 12th meeting. While there was opposition to the late hours, there were also citizens who felt that a more active streetscape would help to make the neighborhood safer in the evenings. The neighborhood seems to be divided over the issue of the closing hour. Staff feels that the closing time should correspond to the coffee shop that was approved for the Monarch in September. In that case the applicant was granted a closing hour of midnight. Staff has included conditions requiring the applicant to prevent loitering outside the premises.

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

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~The hours of operation of the restaurant shall be limited to 9:00 am – 12:00 am, daily. The dine-in and carry-out hours of operation shall be limited to 9:00 am – 10:00 pm, Sunday through Thursday and 9:00 am – 11:00 pm, Friday and Saturday. Delivery service shall be allowed to operate until 12:00 am daily.~~ (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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)
5. 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)
6. Interior storage cabinets, carts, window signs, posters, shelving, boxes, coat racks, storage bins, closets, and similar items shall not block the visibility of the interior of the store from the street. To the extent possible, the applicant shall provide seating/dining areas adjacent to the Henry Street windows. (P&Z)
7. The window on the courtyard must have lighted display and/or signage to the satisfaction of the director of Planning & Zoning. (P&Z)
8. The vestibule wall must allow the interior of the restaurant to be visible from the street to ensure an active street presence. (P&Z)
9. The applicant must supply a trash removal plan to prevent the degradation of the interior courtyard to the satisfaction of the director of Planning & Zoning. (P&Z)
10. The restaurant shall contain a minimum of 12 seats and a maximum of 20 seats indoors. Upon request by the applicant, staff may administratively approve outdoor dining of up to 10 seats on the site. (P&Z)
11. All exterior signage must be compatible with the Monarch development to the satisfaction of the director of Planning & Zoning. (P&Z)

12. Delivery drivers must use off-street parking at all times. (P&Z)
13. The applicant shall not permit carryout customers to loiter outside the business. (P&Z)
14. The applicant shall comply with any requirements adopted as a part of a smoke-free ordinance. (P&Z)
15. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 the result of a complaint that rises to the level of a violation of the permit conditions, (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)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
17. 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. (T&ES)
18. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
19. 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)
20. 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)
21. 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)

22. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
23. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)
24. No food, beverages, or other material shall be stored outside. (P&Z)
25. Deliveries to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. (P&Z)
26. 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)

STAFF: Faroll Hamer, Director, Department of Planning and Zoning
Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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 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)
- 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 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-5 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-6 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 Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-2 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).

Code Enforcement:

- C-1 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-2 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five 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-6 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-7 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-8 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-9 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-10 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. Permits are not transferable.
- C-2 Permits must be obtained prior to operation
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with 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-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks & Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.

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506 N. Henry Street

- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0124

PROPERTY LOCATION: 506 N. Henry Street

TAX MAP REFERENCE: 064.01-03-10 **ZONE:** CRMU-H

APPLICANT:

Name: Diamond Commercial, LLC

Address: 3919 Old Lee Highway, Suite 82A, Fairfax, VA 22030

PROPOSED USE: Chinese-food 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.

David L. Chamowitz
Print Name of Applicant or Agent

11 Nov 07
Signature Date

307 N. Washington Street
Mailing/Street Address

(703) 836-5757 (703) 548-5443
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

dlc.hcgk@verizon.net
Email address

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

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 506 N. Henry Street, Alexandria, VA 22314, I hereby
 (Property Address)
 grant the applicant authorization to apply for the Chinese-food restaurant use as
 (use)
 described in this application.

Name: Diamond-Alexandria, LLC Phone (703) 934-1205

Please Print

Address: 3919 Old Lee Highway, Suite 82A, Fairfax, VA 22030 Email: _____

Signature: Diamond Alexandria LLC by [Signature] Date: 11 Nov 07

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.

Ahmed Al-Mutawakil (33%), Ahmed Al-Hussein (33%), Al-Hussein Y. Al-Hussein (33%)

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.)

This application is for a Special Use Permit to operate a Chinese-food restaurant in a portion of the first floor retail space near the south-east corner of the Monarch site.

The use is expected to be heavily patronized by residents of the floors above as well as those who live in the surrounding neighborhood. There will be approximately 5 employees at a time, and the hours are requested to be 9 a.m. to midnight, although in practice the use may be open shorter hours in response to demonstrated demand. Parking will be available on the interior alley of the site as well as in the below-grade garage. Delivery service will be offered. No disruptive noise is expected.

In this application, and the accompanying restaurant supplement, the seating capacity requested is 12 interior seats. However, given the emphasis in the overall Monarch DSUP on creating a lively street-front and active courtyard area, we would like to request that Staff be given the authority to administratively approve, at a later date, an amendment to this SUP to allow additional outdoor seating, as appropriate, along the adjacent building faces, and/or in the interior courtyard. This authority would be similar to the authority given Staff to administratively approve outdoor dining in the King Street retail corridor.

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).

Patron traffic will be concentrated around normal lunch and dinner hours.

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

Approximately 5 per shift.

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

Day:	Hours:
<u>Monday - Sunday</u>	<u>9 a.m. - 12 midnight</u>
_____	_____
_____	_____

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

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

There is expected to be no disruptive noise from the use.

B. How will the noise be controlled?

Any noise will be confined within the restaurant.

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

The only possible odor will be that of cooking food, as with any restaurant. It will largely be
confined within the interior, as with any restaurant.

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)

Typical restaurant trash.

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

Typical restaurant amounts of trash.

C. How often will trash be collected?

Daily or as otherwise required by business volume.

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

The Monarch DSUP provides for the installation of 4 street trashcans on the blockfaces
adjacent to the site, and there will be trash disposal available within the restaurant.

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:

General purpose cleaning supplies as typically found in restaurants, in amounts required by
business volume.

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

Typical restaurant methods.

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.

PARKING AND ACCESS REQUIREMENTS

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

_____ Standard spaces
_____ Compact spaces
_____ Handicapped accessible spaces.
77 TOTAL Other.

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

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

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

B. Where are off-street loading facilities located? In the interior alley of the Monarch site.

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

Early morning.

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

3-5 days per week, or as required by business volume.

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?

1,263 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,263 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: The first-floor retail space in the Monarch mixed-use development.

End of Application



APPLICATION

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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: 12

Outdoors: _____

Total number proposed: 12

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only) _____ Yes XX No

Beer and wine — on-premises _____ Yes XX No

Beer and wine — off-premises _____ Yes XX No

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

Chinese food.

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

XX table service _____ bar XX carry-out XX delivery

5. If delivery service is proposed, how many vehicles do you anticipate? 2

Will delivery drivers use their own vehicles? XX Yes _____ No

Where will delivery vehicles be parked when not in use?

In the interior alley or underground garage.

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

_____ Yes XX No

If yes, please describe:



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Parking Impacts. Please answer the following:

1. 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

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:

_____	12	Maximum number of patron dining seats
+	_____	Maximum number of patron bar seats
+	_____	Maximum number of standing patrons
=	_____	12 Maximum number of patrons

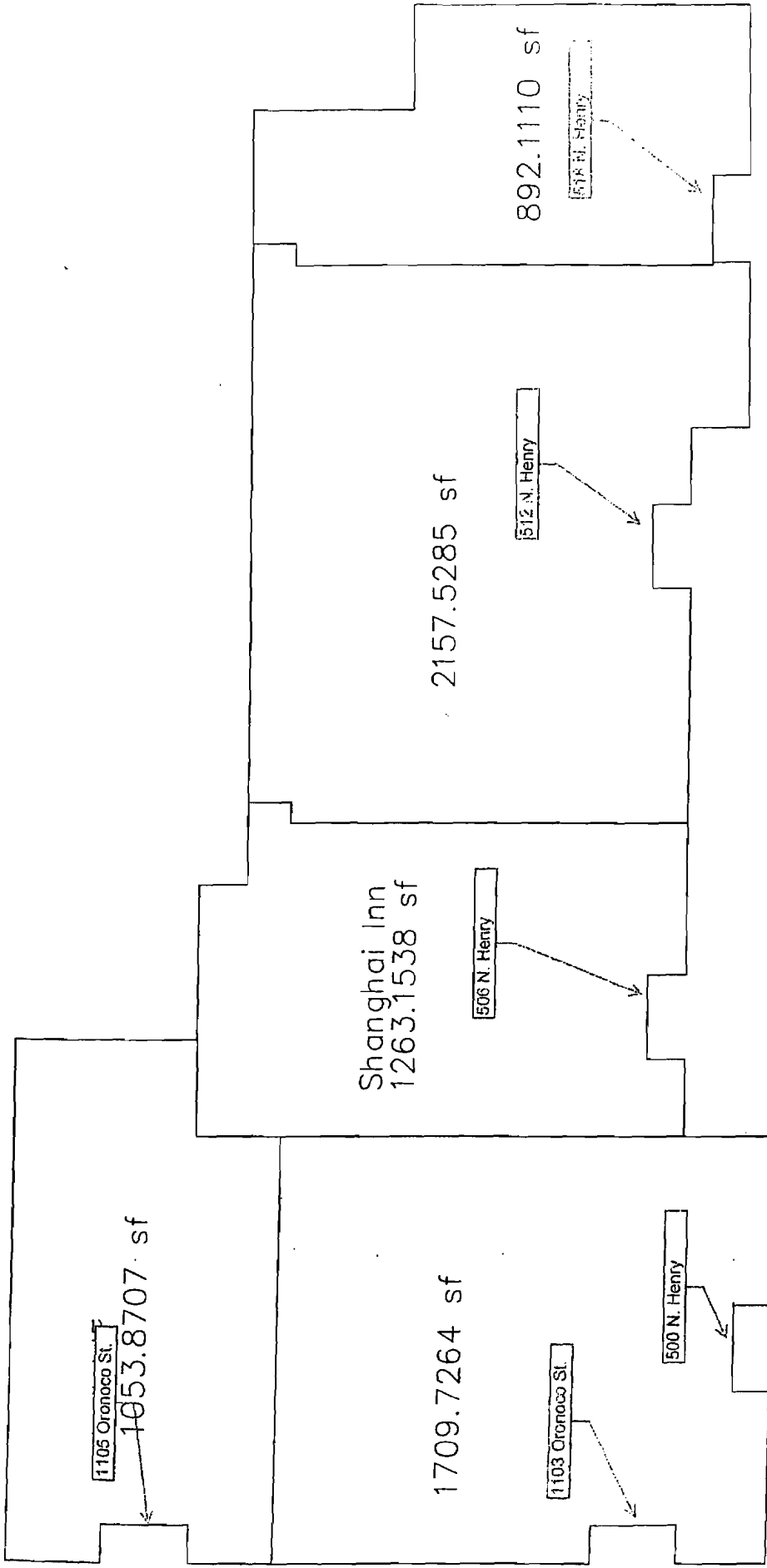
2. 5 Maximum number of employees by hour at any one time

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

21

← N Fayette St →

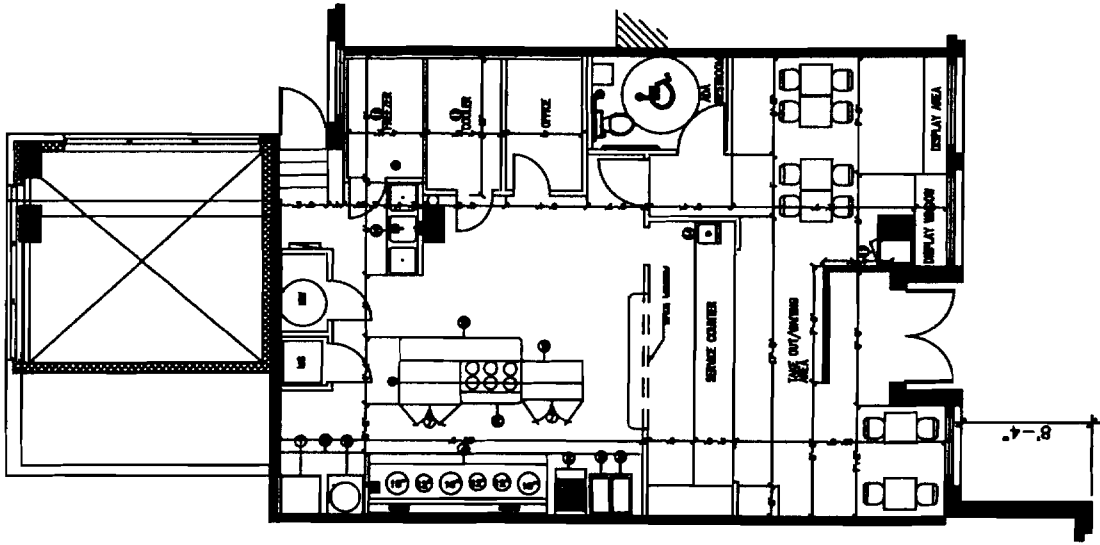


← Pendleton St →

10-1002PNS

Parking Underground
Access from Pendleton St.

← N. HENRY ST. →



← N. Henry St →

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SUP



Richard Josephson/Alex
01/02/2008 11:32 AM

To
cc
bcc

Subject Re: SUP #2007-0124 (506 N Henry St)



<fordefurt111@yahoo.com>

12/27/2007 01:22 PM

Please respond to
<fordefurt111@yahoo.com>

To <faroll.hamer@alexandriava.gov>,
<barbara.carter@alexandriava.gov>,
<celeste.cox@alexandriava.gov>,
<graciela.moreno@alexandriava.gov>,
<cicely.woodrow@alexandriava.gov>,
<faroll.hamer@alexandriava.gov>,
<barbara.carter@alexandriava.gov>,
<celeste.cox@alexandriava.gov>,
<graciela.moreno@alexandriava.gov>,
<cicely.woodrow@alexandriava.gov>

cc

Subject COA Contact Us: SUP #2007-0124 (506 N Henry St)

COA Contact Us: Director Faroll Hamer

Time: [Thu Dec 27, 2007 13:22:24]

First Name: Heidi
Last Name: Ford
Street Address: 1022 Oronoco St
City: Alexandria
State: VA
Zip: 22314

Phone: 703-518-0611

Email Address: fordefurt111@yahoo.com

Subject: SUP #2007-0124 (506 N Henry St)

Comments: Dear Ms Hamer,

I'm writing in regard to the proposed SUP #2007-0124, which pertains to a request to operate a Chinese delivery/takeout restaurant, with limited interior seating, in the Monarch development. My understanding is that the staff plans to recommend its approval as proposed. However, I have some significant concerns, particularly with regard to the proposed hours of operation. Per the SUP application, the restaurant will operate from 9:00-12:00 daily. However, most restaurants in this area tend to close at 10:00 Monday-Thursday and either 10:30 or 11:00 on Friday and Saturday. These hours are also

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typical for restaurants offering takeout and delivery services. Some examples of local restaurants adhering to these hours include: Ginger Beef (chinese delivery), Chin's Kitchen (Chinese delivery), Mai Thai (dine in and delivery), Asia Bistro (dine-in and delivery), Pita House (dine-in and delivery), Happy Garden (Chinese delivery), Edgardos (Pizza delivery), Tsim Yung (Chinese, delivery), Bertuccis (Italian, delivery), to name just a few. Given that 10:00 weekdays and 10:30 or 11:00 tends to be when most restaurants in the Old Town area close, I request that the City require the proposed restaurant to also adhere to these hours. Per item #4 of the "recommended conditions" section of the SUP, the applicant shall encourage use of mass transit. However, according to WMATA's website, metro service stops at 12:00 am on weekdays. If the restaurant is allowed to stay open until 12:00 am on weekdays, its employees would not be able to use metro since metro service will have stopped service by the time they are able to clean and close the restaurant and walk to the metro station. Requiring the restaurant to close in time to allow its employes to take advantage of metro would be consistent with the Braddock Small Area Plan's goal to make this a transit oriented neighborhood.

I am also concerned about parking. Since the hours of operation proposed by the applicant will preclude a portion of its employees from using public transportation, they will presumably come to work in personal automobiles. Where will these people park? I request that as a condition of approval of the SUP that the applicant be required to provide dedicated parking spaces for them in the Monarch garage and that restaurant employees be prohibited from parking on the neighborhood streets.

Trash is another area of concern. Item #9 of the Recommended Conditions section of the SUP notes that the applicant must supply a trash removal plan to prevent the degradation of the interior courtyard to the satisfaction of the director of Planning & Zoning. I request that this trash removal plan also extend to the Henry Street frontage as well. In short, the SUP should require that the applicant have a plan for daily removal of any and all trash that originates from the restaurant regardless of where it winds up.

The SUP provides no specific details on signage. However, I would request the City prohibit the use of large signs or neon signs as that would be intrusive to the neighborhood. The SUP also makes no mention of when the restaurant can accept deliveries. However, in the SUP for the proposed Madison development, the city stipulated that "deliveries to the business shall not take place between the hours of 7:00 am and 9:30 am, or between 4:00 pm and 6:00 pm, Monday through Friday." I request that these same guidelines be applied to this applicant.



Richard Josephson/Alex
12/28/2007 11:20 AM

To fordefurt111@yahoo.com



cc Faroll Hamer/Alex@ALEX, Graciela Moreno/Alex@Alex,
Cicely Woodrow/Alex@Alex, Celeste Cox/Alex@Alex
Subject SUP #2007-0124 (506 N Henry St)

Richard.Josephson@alexandriava.gov wrote:

Ms. Ford,

Thanks for your comments. Ms. Hamer asked that I respond to them. They will also be provided to the Planning Commission and City Council.

Your comments about hours of operation are well taken. However, there are many restaurants, especially along King Street, that are open until 1 and 2 am, including Le Gaulois, Tiffany Tavern, Vermillion, and Hard Times. The City Council recently approved a Starbucks in the Monarch with a closing hour of midnight. The applicant has indicated that their closing hour may be earlier than midnight, but will depend on the amount of business they receive, and would like the flexibility to stay open until midnight.

In regard to employees use of Metro, you are correct that Metrorail closes at midnight during the week (Sun-Thurs), however, Metrobus has several routes that are accessible to/from this location that run past midnight and Metrorail has hours after midnight on Friday and Saturday. The condition in the staff report states that employees are encouraged 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. While we would like everyone to use transit and not drive, we cannot require that, but can provide incentives.

In regard to parking, staff has included a condition that states that 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. There is parking available in the garage and in the alley. The commercial uses in the Monarch have been allotted 75 parking spaces in the garage.

Concerning trash, there is a condition in the staff report that states that litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises (this would include Henry Street) 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. In addition, we are requiring that the applicant provide a plan for the removal of refuse from the premises.

Regarding signage, the applicant will have to provide signage plans to be approved to the satisfaction of the Director of Planning and Zoning. There are specific requirements regarding the size and illumination of signs that would be permitted. It is not our intent to approve a sign that is out of scale with the proposed business or surrounding area or one that causes problems with illumination to nearby residents or businesses.

Relative to deliveries, we agree with your comment and will change the condition so that deliveries cannot occur between 7 am and 930 am or between 4 pm and 6 pm, Monday through Friday.

Please feel free to contact me if you have any questions.

Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Phone: 703-838-4666, x 302

----- Original Message -----

From: HEIDI FORD [fordefurt111@yahoo.com]

Sent: 12/29/2007 12:29 AM

To: Richard Josephson

Cc: Faroll Hamer; Graciela Moreno; Cicely Woodrow; Celeste Cox

Subject: Re: SUP #2007-0124 (506 N Henry St)

Mr. Josephson,

Thank you very much for your prompt response. However, according to the information posted on the internet, Le Galois is open from 11:30 am-10:30 pm Mon-Fri and 11:30 am-11:00 pm Fri-Sat (<http://dinesite.com/info/rstrnt-142691/>). Vermillion rRstaurant's dinner hours are listed as 5:30-10:00 pm Sun -Thurs and 5:30-11:00 pm Fri -Sat (<http://www.vermillionrestaurant.com/htdocs/info.html>). Although both Tiffany Tavern and Hard Times are open later, they both serve alcohol, with the former essentially being an actual bar; thus, they are not comparable analogies to the restaurant proposed for the Monarch. Moreover, each of the examples you cite are located on King Street, which is a substantially different environment from that which currently exists in the Monarch's environment. They are Old Town, the proposed restaurant is in Parker Gray. The King Street establishments you cite are not located within 2 blocks of public housing; the applicant's restaurant will be. When on King Street I have noticed uniformed police walking the streets as a routine practice (and not merely in response to a trouble call). Conversely, I have not noticed uniformed police walking the streets

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around the Monarch - except when responding to a trouble call. Thus, a direct correlation between the hours kept by bars on King Street and that requested by the SUP applicant is not applicable. Since the city will review the SUP in a year's time anyway, would it not be more reasonable to err on the side of caution initially, and require the restaurant close at 10:00 Sun-Thurs and 11:00 Fri-Sat? If, in a year's time, there have been no significant incidents and the business desires to extend its hours it could request a change.

With regard to the restaurant delivery times, I'm very pleased to see that you agree that allowing deliveries during the morning and evening rush hours is not desirable. I assume this goes without saying, but deliveries before 7:00 am, either weekdays or weekends, would also be most undesirable to those of us who live in the neighborhood.

Thanks again for your prompt response.

Respectfully,
Heidi A Ford



Richard Josephson/Alex
12/29/2007 08:34 AM

To "HEIDI FORD" <fordefurt111@yahoo.com>
cc Faroll Hamer/Alex@ALEX, Graciela Moreno/Alex@Alex,
Cicely Woodrow/Alex@Alex, Celeste Cox/Alex@Alex
Subject Re: SUP #2007-0124 (506 N Henry St) [1]

Ms Ford,

Thanks for the information. Many restaurants in the city choose to close earlier than their permit allows. I have spoken to the applicants rep and they may be amenable to an earlier closing time.

We will also clarify that there are to be no deliveries before 7 am or after 9 PM.

Rich Josephson

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0124

PROPERTY LOCATION: 506 N. Henry Street

TAX MAP REFERENCE: 064.01-03-10 **ZONE:** CRMU-H

APPLICANT:

Name: Diamond Commercial, LLC

Address: 3919 Old Lee Highway, Suite 82A, Fairfax, VA 22030

PROPOSED USE: Chinese-food 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.

David L. Chamowitz
Print Name of Applicant or Agent

11 Nov 07
Signature Date

307 N. Washington Street
Mailing/Street Address

(703) 836-5757 (703) 548-5443
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

dlc.hcgk@verizon.net
Email address

Recommended Approval w/amendments 6-0 1-3-08
ACTION-PLANNING COMMISSION: _____ **DATE:** _____
ACTION-CITY COUNCIL: CC approved the PC recommendation 1/12/08
7-0 **DATE:** see attachment

Councilman Smedberg stated that the neighborhood had a real concern about loitering based on past experience with other businesses .

The following person participated in the public hearing :

(a) Leslie Zupan, 1309 Queen Street, representing the Inner City Civic Association, spoke in support of the amendment to the special use permit made by the Planning Commission and noted that a petition was signed by a majority of the residents affected by the operating hours of the restaurant .

WHEREUPON, upon motion by Councilman Krupicka, seconded Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the addition to condition #2, stating, "After one year, the Planning Director with the concurrence of the Police Chief, may approve a minor amendment to extend the hours for dine-in and carry-out until midnight." The voting was as follows :

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Wilson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS , COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. DEVELOPMENT SPECIAL USE PERMIT #2007-0005 (A)
SPECIAL USE PERMIT #2007-0051 (B)
800 NORTH HENRY STREET
THE MADISON

Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a mixed use residential/retail building, a request for a parking reduction and a special use permit request for approval of a transportation management plan (TMP); zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: TC MidAtlantic Development III , Inc., by Duncan Blair , attorney

PLANNING COMMISSION ACTION : Recommend Approval 6-0

(A copy of the Planning Commission report dated January 3, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 01/12/08, and is incorporated as part of this record by reference .)