

Docket Item #7  
SPECIAL USE PERMIT #2004-0033

Planning Commission Meeting  
June 1, 2004

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

**APPLICANT:** Gholamreza Sanjideh

**LOCATION:** 650 South Pickett Street

**ZONE:** I/Industrial

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**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.

## I. DISCUSSION

### REQUEST

The applicant, Gholamreza Sanjideh, requests special use permit amendment to increase the number of seats and change the hours of operation of the restaurant located at 650 South Pickett Street.

### SITE DESCRIPTION

The subject property is one lot of record with 416 feet of frontage on South Pickett Street, a depth of 362 feet and totals 132,130 square feet. A two story warehouse building of 61,600 square feet is located on the property. The building was constructed in 1962 and sections of the building were renovated in 1977. Surface parking of an estimated 144 spaces is located at the front, rear and east sides of the building. Other tenants in the building include Shenandoah Brewing Company (SUP#99-0022), Nick's Restaurant (SUP#2816), and office and wholesale uses.

### CURRENT RESTAURANT CHARACTERISTICS

The existing 44-seat restaurant is part of a retail/wholesale bakery that serves international foods, breads, and pastries and offers take-out and delivery service. The business is operated by three employees per shift, with three shifts daily between 6:00 A.M. and 6:00 P.M. Occasionally, the applicant provides live entertainment in the form of soloists or small musical ensembles. The sale of alcoholic beverages is not permitted. Trash is collected three times a week from the dumpster located at the rear of the building.

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 SUP AMENDMENTS

The applicant seeks permission to amend the following conditions:

Condition # 2: "Seating shall be provided for no more than 44 patrons." The applicant is proposing to add 20 seats for a total of 64 seats.

Condition #3: "No outside dining facilities shall be located on the premises." The applicant seeks permission to allow outdoor seating for up to 16 patrons on a proposed deck, which will be located on private property and not eliminate required parking spaces. (See attached plan)

Condition # 5: "The hours of operation shall be limited to 6:00 A.M. to 6:00 P.M. daily." The applicant is requesting approval to close at 11:00 P.M. daily.

Should the amendment be approved, the applicant will add a handicap accessible ramp to the proposed deck at the front of the building. The extended operation will increase the shifts from three to up to five shifts per day. The applicant anticipates between 70 and 100 patrons daily.

No additional changes to the restaurant are proposed.

#### PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant with 64 seats is required to provide 16 parking spaces. As part of the existing special use permit staff determined that pursuant to the previous use as a retail/wholesale bakery, 14 spaces were already allocated to the subject space. Due to an increase in the parking demand, staff conducted a parking analysis and found that 137 spaces are required for all businesses in the industrial/commercial center. A total of 144 parking spaces is provided, thus allowing the two additional spaces to be occupied by the applicant. Therefore, the applicant meets the parking requirement. Staff notes that most of the other tenants operate during office hours, making additional parking spaces available after 6:00 P.M.

#### ZONING / MASTER PLAN

The subject property is located in the I/Industrial zone. Section 4-1202 (R.1) of the Zoning Ordinance allows a restaurant in the I zone only with a special use permit. The proposed use is consistent with the Landmark/Van Dom Small Area Plan chapter of the Master Plan which designates the property for industrial use.

## **II. STAFF ANALYSIS**

Staff supports the proposed special use permit amendment for the restaurant located at 650 South Pickett Street. The restaurant adds to the mix of uses at the building and will contribute to a more vibrant appearance once the proposed sundeck is added to the front of the building. In addition to retaining all the standard restaurant conditions, staff included a condition for landscape planters to be placed on the deck. Although the applicant proposes to be open no later than 11:00 P.M., staff recommends a closing hour of 12:00 midnight in order to give the applicant more flexibility.

Staff has also included a condition requiring a review one year after approval. 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) (SUP#2003-0063)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~44~~ 64 patrons. ~~(P&Z) (SUP#2003-0063)~~ (P&Z)
3. **CONDITION AMENDED BY STAFF:** ~~No outside dining facilities shall be located on the premises. (P&Z) (SUP#2003-0063)~~ Outside dining facilities may be located on private property but shall not eliminate required parking spaces. Prior to the installation of an outdoor dining deck, the applicant shall submit plans and obtain approval of the Director of Planning and Zoning for the deck's design, location and construction. The applicant shall ensure that access is provided per code requirements and that the seating area is cleaned at the close of each day of operation. (P&Z) (SUP#2003-0063) (P&Z)
4. Live entertainment is permitted. (P&Z) (SUP#2003-0063)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~6:00 A.M. to 6:00 P.M.~~ 12:00 midnight daily. ~~(P&Z) (SUP#2003-0063)~~ (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0063)
7. No alcoholic beverages shall be sold for on or off-premises consumption. (P&Z) (SUP#2003-0063)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0063)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2003-0063)

10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2003-0063)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2003-0063)
12. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2003-0063)
13. **CONDITION REVISED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and nNo amplified sounds shall be audible at the property line. (T&ES) (SUP#2003-0063)
14. The applicant shall require that its employees who drive use off-street parking. (P&Z) (SUP#2003-0063)
15. **CONDITION DELETED BY STAFF:** ~~The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and a robbery awareness program for all employees. (Police) (SUP#2003-0063)~~
16. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2003-0063)
17. The applicant shall conduct an employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0063)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has

determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(P&Z) (SUP#2003-0063) (P&Z)~~

19. **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)
  
20. **CONDITION ADDED BY STAFF:** The applicant shall install and maintain landscaped planters, to include four seasons of plants in at least two containers of a style and at a location approved by the Department of Planning and Zoning. (P&Z)

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

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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.

#### 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:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 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-4 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 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-7 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:

- F-1 No comments.

Police Department:

- F-1 A security survey and robbery awareness program have been completed.
- F-2 The applicant is not seeking an A.B.C. permit and the Alexandria Police Department concurs with this.

**REPORT ATTACHMENTS AVAILABLE IN THE PLANNING AND ZONING OFFICE**