

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

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
608 North Saint Asaph Street

SITE GRAPHIC

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.

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