

Docket Item #6  
SPECIAL USE PERMIT #2004-0084

Planning Commission Meeting  
November 4, 2004

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

**APPLICANT:** Vo Thin  
by Thuy Le

**LOCATION:** 3108 Mt. Vernon Avenue, Suite-B  
(Parcel Address: 3110 Mt. Vernon Avenue)

**ZONE:** CRMU/M–Commercial Residential Mixed Use (Medium)

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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, Vo Thin, requests special use permit approval for the operation of a restaurant located at 3108 Mt. Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 362 feet of frontage on Mount Vernon Avenue, and a total lot area of 3.4 acres. The site is developed with the Calvert Apartments building, with commercial uses on the first floor of the building. The applicant proposes to occupy a 1,750 square feet space, in about half of what is now a video store, and adjacent to a nail salon. The applicant owns both the video and nail salon businesses.

The first floor of the Calvert Apartments building contains 16,142 square feet of commercial space fronting on Mount Vernon Avenue. The commercial space in the center includes three restaurants: the Bombay Curry Company, the former Calvert Grille, and Village Il Porto.

PROPOSAL

The applicant proposes to operate a Vietnamese restaurant with 30 seats. The restaurant proposes to operate from 10:00 a.m. to 10:00 p.m. daily. The applicant is not proposing alcohol sales. There will be a large screen television in the restaurant for entertainment. The applicant is not proposing delivery service. Trash facilities are located inside the building complex.

PARKING

Pursuant to Section 8-200(A)(8) of the zoning ordinance, a restaurant with 30 seats requires a minimum of eight parking spaces. A total of 133 parking spaces are located on site for the commercial uses. Existing uses, with the proposed reconfiguration of the video store and nail salon, and parking requirements are as follows:

<u>Use</u>	<u>Parking Required</u>
Bombay Curry Company restaurant (SUP #96-0070)	12
Calvert Grille restaurant (grandfathered)	27
Nail Chateau	4
Video store	4
Calvert Cleaners	3
Alexandria Appliance Repair	3

Jackson-Hewitt Tax Service	3
Mia’s Market	12
Village Il Porto (SUP#2001-0021)	43
<b>Proposed Restaurant</b>	<b>8</b>
Parking required:	119
Parking provided:	133

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-M/Commercial Residential Mixed Use-Medium zone, with proffer. The proffer allows a restaurant with a special use permit (Ordinance #3768). The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial residential mixed uses.

**II. STAFF ANALYSIS**

Staff does not object to the proposed restaurant. The proposed restaurant is compatible with the existing residential and commercial uses on site. The ground floor of the Calvert House has historically contained eating establishments and there is adequate parking for customers and employees of the restaurant. To ensure that parking at the front of the restaurant is available for customers, staff recommends that employees park at the lot on the north side of the property, as required for Village Il Porto. Staff also recommends closing hours more consistent with the other restaurants in the center to provide some flexibility for the business owner. With these conditions, staff recommends approval.

**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)
2. Seating shall be provided for no more than 30 patrons. (P&Z)

3. The closing hour for the restaurant shall be no later than 11:00 p.m. daily. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
4. Live entertainment shall not be permitted. (P&Z)
5. Alcohol service is not permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. 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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z)
8. 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)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.(T&ES)
10. 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)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
12. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and for the business a robbery awareness program for all employees. The survey is to be completed prior to the business opening. (Police)
13. The applicant shall require that its employees who drive to work park in the side parking lot, north of the driveway, on the north side of the property. (P&Z)

14. 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, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

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

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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.

Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour.

#### IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

##### Transportation & Environmental Services:

- 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.
- 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 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)
- R-3 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 No amplified sounds shall be audible at the property line.(T&ES)

##### Code Enforcement:

- F-1 The submitted plans show a proposed change of tenant space into 3 subdivided parcels (A, B, & C) within the same address. The current configuration of the space is as follows:

3108 A is a nail salon. The remaining tenant space is occupied as a video rental store. The submitted plans show a proposal to subdivide the existing 2 tenant spaces into 3 tenant spaces by expanding the existing nail salon, reducing the area occupied by the video rental store and providing a third space for a restaurant. As a result, this proposal will affect all three parties (two existing tenants and one proposed tenant). The following conditions will apply to both the applicant and the existing tenants who are affected by this SUP.

- C-1 The current use is classified as B, Business; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 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-3 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required (USBC 111.1).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC 112.1.4).
- C-7 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- 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.
- C-11 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions
- C-5 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. The survey is to be completed prior to the business opening.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is not seeking an ABC permit. The police department concurs with this. If in the future the applicant does apply for an ABC permit the following would apply:

Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
2. That the SUP is reviewed after on year.