

Docket Item #3
SPECIAL USE PERMIT #2005-0110

Planning Commission Meeting
December 6, 2005

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

APPLICANT: Philip D. McCombie

LOCATION: 320 Montgomery Street

ZONE: CRMU-X/Commercial Residential Mixed Use (Old Town North)

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

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Philip P. McCombie, requests special use permit approval for the operation of a restaurant located at 320 Montgomery Street, and for a parking reduction.

SITE DESCRIPTION

The subject property is one lot of record with 18 feet of frontage on Montgomery Street, 90 feet of depth and a total lot area of 1,620 square feet. The site is developed with a two-story office/retail building. Access to the property is from Montgomery and North Royal Streets. The subject tenant space is located on the first floor and is currently vacant. The second floor is occupied by an office use.



The surrounding area is occupied by a mix of office/retail/residential uses. Immediately to the north is Montgomery Park. To the south and east is the Montgomery Center, which includes retail, personal service, office and restaurant uses. To the west is Port Royal Condominiums.

PROPOSAL

The applicant proposes to occupy the entire first floor of a two-story building comprising approximately 1,450 square feet. The applicant proposes a carry-out restaurant with dine-in seating and offering authentic Thai food. Specific aspects of the restaurant as proposed by the applicant are as follows:

- Hours*: The applicant proposes to operate from 11:00 a.m. to 3:00 p.m. and 5:00 p.m. and 9:00 p.m. daily.
- Number of seats: The applicant proposes 32 total seats.
- Noise: The applicant does not anticipate high levels of noise from the restaurant.
- Trash/Litter: Trash will be picked up daily by a private contractor. There is not a dumpster located on the premises.
- Alcohol: The applicant proposes on-premises beer and wine.
- Live Entertainment: The applicant proposes no live entertainment.

Delivery: The applicant proposes offering delivery through a take out service, such as “Take Out Taxi.” The applicant will not have its own delivery vehicles.

*Note: Recommended hours are different than proposed. See recommended conditions Section III.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 32 seats is required to provide eight off-street parking spaces. The applicant is requesting a parking reduction of eight spaces since no off-street parking is available at this location. In support of the parking reduction, the applicant states that most of the day patrons will walk to the restaurant, and others may park in the Colonial Parking lot at 801 N. Fairfax Street. Employee parking will be provided off-street at the Port Royal parking lot. In addition, there is metered parking located across the street at the tennis courts during weekdays. Street parking is also available.

The adjacent Montgomery Center, which encompasses the rest of the city block has a Special Use Permit that includes a parking reduction of 250 spaces and allows up to 10,000 square feet of restaurant use, of which 5,411 square feet is occupied by restaurant space.

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 supports this new restaurant at the corner of Montgomery and North Royal Street. The restaurant adds to the mix of uses in the block, and will provide an additional restaurant choice for residents, office workers, and others in the area.

Although supportive, staff is mindful of the lack of off-street parking at this location. Staff visited the site on two occasions during peak lunch time and evening hours. Staff observed at least seven to eleven on-street parking spaces available within one block of the proposed restaurant during lunch hours, and many more during evening hours. The metered parking lot located directly across the street at Montgomery Park has nine spaces that were generally all available during peak hours, making it possible for customers to park in this lot if on-street parking is not available. Additionally, the Montgomery Center, which encompasses the rest of the City block, has been granted a parking reduction that allows up to 10,000 square feet of restaurant use, where currently there is only 5,411

square feet of restaurant use. Although the proposed restaurant is not part of the Montgomery Center, there is additional capacity for a restaurant on this block. Finally, the applicant proposes to secure off-street parking for all employees, leaving street parking more available for customers. Therefore, staff does not object to the proposed parking reduction. Staff has included the standard condition that employees park off the street. Staff also recommends the condition that mass transit opportunities be posted for employees to encourage them to use mass transit.

Regarding the landscaping around the property, the tenant space has been vacant for some time resulting in signs of poor maintenance. Staff has included a condition that the applicant maintain the landscaping to the satisfaction of the Director of Planning and Zoning.

Staff has included the standard restaurant conditions. Although the applicant does not intend to be open past 9:00 p.m. at this point, staff recommends longer hours of operation to be consistent with the recently approved hours at A La Lucia restaurant around the corner.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 7:00 a.m. and 12:00 midnight daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. On site service of beer and wine is permitted; no off-premise alcohol sales are permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)

7. Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
8. The applicant shall maintain the landscaping in good condition, to the satisfaction of the Director of Planning and Zoning. (P&Z)
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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
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)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES)
13. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Health.(P&Z) (T&ES)
14. 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 hours. (P&Z)
15. 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 and a robbery awareness program for all employees. This is to be completed prior to opening for business.(Police)
16. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)

17. 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)
18. 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, and on how to prevent underage sales of alcohol. (P&Z)
19. 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, 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;
Richard Josephson, Deputy Director;
Valerie Peterson, 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:

- 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.
- 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-4 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-5 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-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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- 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.

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 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:

- F-1 The applicant is seeking an “ABC On” license only. The Police Department has no objections.
- 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.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 The SUP is to be reviewed after one year.

SUP#2005-0110
320 Montgomery

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