

Docket Item #11  
SPECIAL USE PERMIT #2006-0065

Planning Commission Meeting  
September 7, 2006

**ISSUE:** Consideration of a request for a special use permit for the expansion of an existing restaurant to include an increase in physical space, seating and hours of operation.

**APPLICANT:** Vo Thin  
by James C. Pan

**LOCATION:** 3108 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 recommended permit conditions found in Section III of this report.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

**I. DISCUSSION**

REQUEST

The applicant, Vo Thin, requests special use permit approval for the expansion of a restaurant located at 3108-B 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 2,670 square foot space, which includes what is now a video store owned by the applicant (920 square feet), and the existing space (1,750 square feet).



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 Del Merei Restaurant, and Hector’s Place.

BACKGROUND

On November 13, 2004, City Council granted Special Use Permit #2004-0084 for the operation of a restaurant with 30 seats at the existing location. Since the approval of the special use permit, there have been no complaints or violations concerning the business. Staff conducted an inspection on August 14, 2006, and found the applicant in compliance with the conditions of SUP#2004-0084.

PROPOSAL

The applicant proposes to expand the existing Vietnamese Restaurant, into what is currently a video rental store, a 920 square foot space. The applicant currently provides 30 seats and proposes to increase seating to 60. The applicant is not proposing delivery service for the restaurant. The applicant is proposing no other changes. The specific aspects of the business as indicated by the applicant are as follows:

- Hours: Monday- Saturday: 10am-midnight  
Sunday: 10am-10pm
- Number of seats: 60

Noise: None

Trash/Litter: 3 bags per day

Alcohol: On premise beer and wine only

PARKING

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 60 seats requires a minimum of 15 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 parking requirements are as follows:

<b>Use</b>	<b>Parking Required</b>
Bombay Curry Company Restaurant (SUP #96-0070)	12
Del Merei Restaurant (grandfathered)	27
Nail Chateau	4
Calvert Cleaners	3
Alexandria Appliance Repair	3
Jackson-Hewitt Tax Service	3
Mia's Market	12
Hector's Place	43
<i>Proposed Restaurant</i>	15
<b>Total Required</b>	<b>122</b>
<b>Total Parking provided:</b>	<b>133</b>

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.

Community Feedback

On August 10, 2006, the Del Ray Land Use Committee held a meeting to discuss impacts regarding the business. The Del Ray Land Use Committee voted in support of the restaurant expansion with the standard conditions.

## II. STAFF ANALYSIS

Staff does not object to the proposed restaurant expansion. The 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 Hector's Place Restaurant. Staff also recommends closing hours more consistent with the other restaurants in the center to provide some flexibility for the business owner.

The applicant was not permitted by SUP#2004-0084 to sell beer and wine, however the applicant is proposing on-site beer and wine sales with the requested Special Use Permit. Staff does not object to the applicant selling on-premise beer and wine only. 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) (SUP#2004-0084)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 30 60 patrons. (P&Z)(SUP#2004-0084)
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)(SUP#2004-0084)
4. Live entertainment shall not be permitted. (P&Z)(SUP#2004-0084)
5. **CONDITION AMENDED BY STAFF:** ~~Alcohol service is not permitted.~~(SUP#2004-0084) On premise beer and wine only is permitted. (P&Z)(SUP#2004-0084)
6. No food, beverages, or other material shall be stored outside. (P&Z)(SUP#2004-0084)

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)(SUP#2004-0084)
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)(SUP#2004-0084)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP#2004-0084)
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)(SUP#2004-0084)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)(SUP#2004-0084)
12. **CONDITION AMENDED BY STAFF:** 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. ~~The survey is to be completed prior to the business opening.~~ (Police)(SUP#2004-0084)
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)(SUP#2004-0084)
14. The applicant shall work with the landlord to designate 28 parking spaces on the north end of the building for commercial use only. (P&Z)(SUP#2004-0084)

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)(SUP#2004-0084)
  
16. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
James Hunt, 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.

#### 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 contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.

##### Code Enforcement:

- 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 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-4 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 A new 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 This facility is currently operating as Pho King Restaurant under an Alexandria Health permit, issued to Vo Thin Ngoc.
- C-3 Five sets of plans must 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 plans review of food facilities.
- C-4 Approval must be obtained prior to use of the modified areas.
- C-5 The facility must comply with the Alexandria City Code Title 11, Chapter 10, Smoking Prohibitions.
- C-6 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 Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the expansion to the business.
- F-1 The applicant is not seeking an A.B.C. permit. The Police department concurs with this.
- F-2 The Police Department has no objections to extending the operating hours to 11:00 P.M.

SUP #2006-0065  
3108 Mount Vernon Avenue

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