



DOCKET ITEM #9
Development Special Use Permit # 2014-0005
Marino's Restaurant – Extension
3100 Jefferson Davis Highway (Parcel Address: 3104
Jefferson Davis Highway)

Application	General Data	
Project Name: Marino's Restaurant	PC Hearing:	February 3rd, 2015
	CC Hearing:	February 21st, 2015
	Extension Approval, DSUP Expiration:	August 21st, 2016
	Plan Acreage:	9,760 SF (.224 acres)
Location: 3100 Jefferson Davis Highway (Parcel Address: 3104 Jefferson Davis Highway)	Zone:	Commercial Service Low (CSL)
	Approved Use:	Proposed two-story restaurant addition to the existing one-story restaurant.
	Dwelling Units:	N/A
	Floor Area Ratio	Existing: 0.09 Proposed 0.35
Applicant: Ather Subzwari represented by Mike Razavi, engineer	Small Area Plan:	Potomac West
	Historic District:	N/A
	Green Building:	Requesting Flexibility

Purpose of Application: Request for an 18 month extension for an approved Development Special Use Permit with Site Plan. (DSUP #2010-0004)

Special Use Permits Approved:

1. Special Use Permit to operate two restaurants, continuation of one in the existing building and a new restaurant in the addition
2. Modification to reduce the rear setback from 25 feet to six feet
3. Modification to reduce the loading space requirement from one to zero.

Staff Recommendation: APPROVAL WITH CONDITIONS

Staff Reviewers: Gary Wagner, Principal Planner
 Jim Roberts, Urban Planner



DSUP #2014-0005
3100 Jefferson Davis Highway
Parcel Address: 3104 Jefferson Davis Highway



I. INTRODUCTION

A. Recommendation & Summary

Staff recommends approval of the request to grant an 18 month extension of a Development Special Use Permit with Site Plan for a restaurant addition at 3100 Jefferson Davis Highway (DSUP #2010-0004). The project was originally approved by City Council on March 12th, 2011.

The extension request is to allow a two-story seated restaurant to be constructed and operate in addition to the existing carry-out restaurant. Please refer to the attached staff report for the original DSUP2010-0004 approval for additional project details.

B. Project Highlights:

- Approval of an SUP for a new restaurant. The restaurant use diversifies this location on Jefferson Davis Highway and provides an amenity for the community.
- Increased FAR. The increase in square footage on the site is compatible with the character of the area, and remains below the maximum permitted FAR.
- Parking and circulation. The parking and circulation arrangement allows for the closing of two curb cuts on Jefferson Davis Highway. Sufficient parking is provided for the existing and proposed restaurant uses. No parking reduction is requested.
- Operating hours. The new restaurant operating hours will closely follow those of the existing to remain carry-out restaurant, with the one exception being an earlier closing time on Friday and Saturday nights (1 AM rather than 2 AM). The existing carry-out restaurant will continue to operate its existing hours.
- Coordination with the current Route 1 and Oakville Triangle planning study. The site lies within the current planning study area. As the planning study is not complete, the Marino's request is considered by staff to be an interim use at this site.

C. Site Context & Project Description

The applicant is requesting an extension of the approval for:

- a Special Use Permit to operate two restaurants; continuation of the existing restaurant and a new restaurant in the addition;
- a modification to reduce the rear setback from 25 feet to six feet; and
- a modification to reduce the loading space requirement from one to zero.

The subject property is one lot of record located on the southbound side of Jefferson Davis Highway between the intersection of Wesmond Drive (an intersection closed to vehicular through-traffic) and a public alley. Abutting the site to the west are residential properties of Wesmond Drive. Across the public alley to the north is a Shell gas station. Across Wesmond Drive to the south is the J.C New and Used Tire shop. A Target store and associated parking lot, part of the Potomac Yard development, is located directly across Jefferson Davis Highway to the east.

The restaurant addition is two stories in height and measures approximately 2,500 sf. The rest of the site is proposed as two separate areas of parking lot, separated by a landscape area along the building frontage.

D. Project History

The applicant (the tenant and operator of the Marino's restaurant) had hoped to construct the restaurant addition after the original approval by City Council in March 2011. However, as a small business-owner with limited experience of construction in the City of Alexandria, the proposal was delayed prior to getting to the Final Site Plan review stage.

The applicant submitted an extension request early in 2014, with the project due to be docketed for public hearing in April 2014. The planning study Route 1 and Oakville began shortly afterwards and prompted City staff to ask the applicant to delay his request in order that staff could consider how the project may appropriately coordinate with the planning study.

City staff attempted to come to an agreement with the owners of the Marino's site (who are a different group from the applicant) for dedication of additional right-of-way along the property's frontage, and an agreement could not be reached. The section below on the *Coordination with the Route 1 Planning Study* includes more information on this part of the project history.

Presently, the Route 1 and Oakville planning study is ongoing, and any potential plans for the west side of Route 1 are yet to be enacted. As such, the application for the Marino's extension request – which is consistent with what City Council originally approved - was rescheduled by staff to be determined by the City Council.

II. STAFF ANALYSIS

Staff continues to believe that the proposed use is suitable for this location and compatible with nearby uses both within the Commercial Service Low zone and as an adjacent use to a residential neighborhood. The expansion of restaurant services on Jefferson Davis Highway is considered a beneficial diversification to the predominant auto industry land use along this heavily trafficked corridor. Staff considers that the addition is compatible with the height, massing, scale, and design of the existing structure and the current context of the neighborhood.

The original approval carefully considered issues which some members of the local community raised as concerns, notably:

- **Hours of operation:** The hours for the existing carry-out operation remain unchanged: with the same closing hours as approved in the previous SUP (2001-0068). For the new restaurant, very similar hours are proposed, with the exception of slightly earlier closing on Friday and Saturday nights (1am instead of 2 AM). This earlier closing was proposed by the applicant in light of concerns from some in the community at the original approval, and at the request of staff. The proposed hours are:
 - For the existing carry-out
 - 10:00 a.m. and 1:00 a.m. Monday through Thursday;

- 10:00 a.m. to 2:00 a.m. Friday and Saturday; and between
- 11:00 a.m. to 11:00 p.m. on Sunday.
- For the indoor seating restaurant
 - 10:00 a.m. to 1:00 a.m. Monday through Saturday;
 - 11:00 a.m. to 11:00 p.m. on Sunday. (P&Z)
- **Litter:** The increase from one to two restaurants which offer carry-out food has the potential to increase litter on site and in the surrounding area. Although conditions of both the proposed SUP and the existing SUP call for litter to be picked up regularly within a 75ft perimeter of the site, the local community expressed a concern prior to the original approval about the amount of litter. A condition of this DSUP is that the applicant must provide a City trash can within the right-of-way. This can will be maintained by the City and may encourage a reduction in littering.
- **Parking** The applicant is able to meet the City's parking requirement using on-site parking. This requirement is 16 spaces in total. Parking is a concern for some members of the local community, mainly related to the potential for parking on surrounding neighborhood streets by patrons or employees of the businesses. In response and prior to the original approval, the applicant significantly reduced the number of proposed seats in the new restaurant from 72 to 44, which meant that all parking could be provided on-site and no parking reduction is needed.
- **Alcohol:** As with the existing carry-out, the applicant is not proposing any alcohol service or live entertainment for the new restaurant. This should help keep the number of late night patrons to a minimum.
- **Flexibility in Green Building Policy:** given the modest scale of the proposal, staff considers that the requirements of obtaining the requisite certification under the Green Building Policy 2009 would prove to be disproportionate to the project as a whole. While staff considers that it is appropriate for the requirement for certification to be waived in this case, a number of environmental improvements are incorporated into the project through the conditions of approval.

E. Coordination with Route 1 / Oakville Planning Study

Shortly after the applicant initiated an extension to the approval for this proposal, the City began a planning study which covered both the Oakville Triangle properties and the west side of Route 1: an area which extends from E. Bellefonte Ave to E. Reed Ave and includes 3100 Jefferson Davis Highway.

The timing of the extension request was problematic in light of the wider planning study and raised important questions for staff in the review for Marino's restaurant. Further complicating the Marino's request is the fact that the applicant is the lease holder for the restaurant and not the property owner, which limited some aspects of his control of the site. The site itself is also challenged by its isolation, being bound on three sides by roads or alleys and backing onto a residential neighborhood. As such, the site represents one of the narrowest within the Route 1 planning area and has no adjacency to other commercial lots with which it may be consolidated.

One of the draft goals under the Route 1/Oakville planning process that the local community and City staff are pursuing is improvement of Route 1, which includes a widened right-of-way, allowing for a wider sidewalk, undergrounding of utilities and a better pedestrian environment. Several properties on the west side of Route 1 are narrow lots with a minimal sidewalk width along their frontage, one of which is 3100 Jefferson Davis Highway. City staff initially asked the applicant to put his extension request on hold in order to allow time to negotiate with the owners of the lot for dedication of a wider right-of-way (ROW), which would form one of the conditions of approval for the extension request. Those discussions continued through the summer and autumn of 2014, but City staff could not come to an agreement with the property owner.

In this case, the area of dedication requested by City staff would have included much of the lot frontage incorporating the parking lot and landscape areas of the current proposal. It would have left intact the existing and proposed building. The result of the additional dedication would have required the applicant and owners to modify the parking lot and to seek either to acquire an additional area for parking, or to seek a large parking reduction. In the latter case, an adequate justification for the parking reduction would be required and would likely have meant that the parking for the two restaurants would have been less than the number presently provided for the one carry-out restaurant.

Staff considers that the proposed restaurant is an interim use for the site. Staff understands that the applicant has a limited duration lease for the site and that the property owners have longer term plans to redevelop the site. Given the changes to the surrounding Route 1 area which are likely to occur, there will be opportunity to redevelop, at which time the improvements sought under any approved Route 1/Oakville plan can be implemented on the Marino's site. However, in the absence of an approved plan for this area staff supports the interim use proposed.

Given the importance of coordinating this project with the ongoing Route 1 planning process, and the fact that this is an extension of a 36-month approval, staff is recommending that the extension be limited to 18 months rather than the full 36 months. Staff considers that this is the minimum realistic time needed by the applicant to begin construction on this project but at the same time limit the duration of the approval to allow for any recommendations from the Route 1 plan to be incorporated into a future development of this property without delay, should the applicant not expeditiously begin construction.

III. Community

Staff presented the proposal to the Lynhaven Civic association at their January 5, 2015 meeting, and to the Del Ray Land Use Committee at their January 13, 2015 meeting. The site is within the Lynhaven neighborhood and the Del Ray Civic Association had been interested in the original approval of the restaurant addition.

The Lynhaven Civic Association voted to recommend denial of the proposal. The chief concerns for the group were the lack of coordination with any proposed improvements which may be required as part of the Route 1/Oakville planning process, and to lesser extent the proposed layout of the parking lot with regards to adequacy for accommodating the number of vehicles.

The Del Ray Land Use Committee decided to support the extension, with the following proviso:

“[w]e would request that once the streetscape requirements are finalized for the Route 1 corridor that this property be held to those standards as well. Since we realize that meeting those standards would put a burden on the applicant, we would be willing to support a parking reduction in exchange for a landscape strip and a wider sidewalk. We feel that creating a more pedestrian friendly experience along Route 1 is important, especially with the addition of current and future mass transit.”

The Committee also noted that as the site falls within the boundary of the Lynhaven neighborhood, they would defer to Lynhaven’s position. Staff further notes that any conditions to require the subject property to meet the requirements of any Route 1 plan improvements would have to be agreed by the property owner, and not only by the applicant.

IV. CONCLUSION

Because this request for an extension reopens the case, staff has updated certain conditions of approval to make them consistent with current standard conditions and City policies.

In conclusion, staff recommends **approval** of DSUP #2014-0005, the 18 month extension request for the previously approved DSUP #2010-0004 with an expiration date of August 21st, 2016 subject to compliance with all applicable City codes, standards, policies and the following staff recommended conditions.

V. STAFF RECOMMENDATIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the conditions which have been amended as follows:

Amended Conditions: 1, 2, 3, 4, 14, 16, 17, 19, 52, 53, 56, 62, 65, 79, 82, 88, Code Comments P&Z C-1 to 2, T&ES F-10 to 12, C10 and C-12.

Added Conditions: 66A, 68A and B.

Deleted Conditions: 6, 8 and Code Comments T&ES C-9 and Code C-2.

Please note, conditions 20, 36, 40, 41, 43 and 44 are deletions from the original SUP 2001-0068 approval and were approved for deletion under the DSUP approval for Marino's Restaurant DSUP2010-0004. They continue to be listed for tracking purposes only.

1. **CONDITION AMENDED BY STAFF:** The Final Site Plan shall be in substantial conformance with the preliminary plan dated November 15th 2010 (including supplemental information dated December 13th 2010, ~~and~~ the revised parking layout agreed with ~~the~~ City staff 24th January 2011 shown in Attachment #1), and the landscape plan agreed with City staff 31st July 2012 shown in Attachment #2) and comply with the following conditions of approval.

A. PEDESTRIAN/STREETSCAPE:

2. **CONDITION AMENDED BY STAFF:** Provide the following pedestrian improvements to the satisfaction of the Directors of P&Z, RP&CA and T&ES:
 - a. Complete all pedestrian improvements prior to the issuance of a certificate of occupancy permit.
 - b. Install ADA accessible pedestrian crossings serving the site.
 - c. Construct all sidewalks to City standards. The minimum unobstructed width of newly constructed sidewalks along Route 1 shall be six feet, excluding areas of sidewalk with existing utility poles.
 - d. All newly constructed curb ramps in Alexandria shall be concrete with detectable warning and shall conform to current VDOT standards ~~as outlined in a City Memo to Industry (3/07) available on line:~~
<http://alexandriava.gov/tes/info/default.aspx?id=3522>
 - e. Remove the old telephone boxes at the corners of the property.
(P&Z, RP&CA and T&ES)

B. OPEN SPACE/LANDSCAPING:

3. **CONDITION AMENDED BY STAFF:** Develop, provide, install and maintain an integrated Landscape Plan with the final site plan that is coordinated with other associated site conditions to the satisfaction of the Directors of P&Z ~~and RP&CA~~. At a minimum the Landscape Plan shall:

- a. Provide an enhanced level of detail for plantings throughout the site. Plantings shall include a simple mixture of seasonally variable, evergreen or deciduous shrubs, trees, groundcovers or perennials that are horticulturally acclimatized to the Mid-Atlantic and Washington, DC National Capital Region. Plantings shall be selected from low maintenance species appropriate to the site's urban conditions.
- b. Ensure positive drainage in all planted areas.
- c. Provide detail, section and plan drawings of tree and shrub planting beds showing proposed plantings and associated materials, accurate rootball sizes, irrigation (if applicable), adjacent curb/pavement construction, including edge restraint system, dimensions, drainage, and coordination with site utilities.
- d. Provide planting plans and details for all proposed conditions including trees, shrubs, perennials, and groundcovers.
- e. Indicate utilities and utility easements (in light or grayscale line weight)
- f. Identify door swings/gate swings.
- g. Indicate locations of off-site and on-site lighting, including street lighting
- h. Identify any street trees and natural vegetation to be retained; include locations, size and species of all trees 6" or greater in caliper.
- i. Indicate the dimensions of areas to be landscaped (including within public right-of-ways), specifying the location, names, caliper, and size of proposed individual trees, shrubs, and ground cover plants (indicate initial height for trees and shrubs, initial width for shrubs, and initial spread for groundcover plants).
(P&Z and RP&CA)

4. CONDITION AMENDED BY STAFF TO REFLECT REVISIONS IN LANDSCAPE PLAN DATED 31ST JULY 2012: Provide the following modifications

to the landscape plan and supporting drawings:

- a. Provide verification that the rear screen planting allows for access and circulation to rear doors.
- b. ~~Add fastigate tree, shrub and groundcover planting to the proposed landscape area east of the building's front façade (shown in Attachment #1). Consider rain garden or infiltration bed planting in addition to ornamental planting.~~
- c. ~~Add shrub or groundcover planting to the landscape area at the south of the site.~~
- d. ~~Substitute the planting material proposed for the eastern landscape strip for planting material with long season visual interest and which is capable of low maintenance, road salt and drought conditions typical of the site's urban setting.~~
- e. Depict tree protection on all grading plan and demolition plan sheets.
- f. No outdoor seating shall be provided.
- g. ~~Provide a minimum of 25% tree crown coverage of the site. See the City's Landscape Guidelines for more details. Provide a revised tabulation of required, existing and proposed crown coverage. (P&Z and RP&CA)~~

5. Provide a narrative water management plan developed installed and maintained to the satisfaction of the Directors of RP&CA and Code Administration.

- a. Provide an exhibit that demonstrates that all parts of the site can be accessed by a combination of building mounted hose bibs or other suitable irrigation.

- b. Provide at least one accessible external hose bib for each 90 linear feet of building facade.
- c. Hose bibs, ground set water connections and FDCs must be fully accessible and not blocked by plantings, site utilities or other obstructions.
(P&Z, RP&CA and Code)

6. CONDITION DELETED BY STAFF – MOVED TO CODE SECTION: ~~The landscape elements of this development shall be subject to the Landscape and Performance Maintenance bonds, based on criteria established by the City and available through T&ES. Release of Landscape and Performance Maintenance Bonds are subject to inspections by City staff at completion of construction, and at periods of one year and three years after completion. (P&Z)~~

7. A certification letter for tree trenches and planting beds shall be provided by the project's Landscape Architect. The letter shall certify that the below grade construction is in compliance with approved drawings and specifications. The letter shall be submitted to the City and approved prior to release of Landscape and Performance bonds. (P&Z)

8. CONDITION DELETED BY STAFF TO REFLECT REVISIONS IN LANDSCAPE PLAN DATED 31ST JULY 2012: ~~Prior to release of the Final Site Plan, the applicant shall provide a monetary contribution in lieu of required crown coverage to the City of Alexandria's Living Landscape Fund if the proposed crown coverage does not meet the required 25% of the site area. Reference DSUP number and project name in correspondence. (P&Z and RP&CA)~~

C. TREE PROTECTION AND PRESERVATION:

9. A fine shall be paid by the applicant in an amount not to exceed \$10,000 for each tree that is destroyed and/or the City may request that replacement trees of similar caliper and species be provided for damaged trees if the approved tree protection methods have not been followed. The replacement trees shall be installed and if applicable the fine shall be paid prior to the issuance of the last certificate of occupancy permit. *** (P&Z and RP&CA)

10. The area of the limits of disturbance and clearing for the site shall be limited to the areas as generally depicted on the preliminary site plan dated 11/15/10 (revised as agreed with the City 24th January 2011) and reduced if possible to retain existing trees and grades.
(P&Z and RP&CA)

D. BUILDING:

11. Provide the following building refinements to the satisfaction of the Director of P&Z:

- a. building plans and elevations that accurately reflect existing and proposed conditions, including but not limited to: roofline hood exhausts, HVAC units, screening devices, exterior material finishes, signage, concrete walks, all door and gate swings. (P&Z)

12. Color architectural elevations shall be submitted during final site plan review.
13. Per the City's Green Building Policy adopted April 18, 2009, incorporate green building design elements at final site plan to the satisfaction of the Directors of P&Z, RP&CA and T&ES.* (P&Z, RP&CA and T&ES)
14. **CONDITION AMENDED BY STAFF:** In order to provide a more sustainable use of natural resources, the applicant shall use EPA-labeled WaterSense or equivalent low flow fixtures, to minimize the generation of municipal wastewater from the site and ~~In addition, the applicant is encouraged to explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could possibly reduce the wastewater generation from this site.~~ A list of applicable mechanisms can be found at <Http://www.epa.gov/WaterSense/pp/index.htm>. (T&ES)

E. RESTAURANT USE:

15. 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 2001-0068)
16. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be restricted to between:

For the existing carry-out
10:00 a.m. and 1:00 a.m. Monday through Thursday;
10:00 a.m. to 2:00 a.m. Friday and Saturday; and between
11:00 a.m. to 11:00 p.m. on Sunday.

For the ~~new~~ indoor seating restaurant
10:00 a.m. to 1:00 a.m. Monday through Saturday;
11:00 a.m. to 11:00 p.m. on Sunday. (P&Z)
17. **CONDITION AMENDED BY STAFF:** ~~Meals ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and all patrons must leave by the closing hour.~~ For the indoor seating restaurant, meals ordered before 11 p.m. Sunday and 1 a.m. Monday through Saturday may be sold after 11 p.m. Sunday and 1 a.m. Monday through Saturday and all patrons must leave by 12 midnight Sunday and 2 a.m. Monday through Saturday. (P&Z)
18. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 2001-0068)
19. **CONDITION AMENDED BY STAFF:** Interior seating shall be limited to a maximum of 44 seats. Outdoor dining shall be prohibited. (P&Z)
20. ~~Condition deleted.~~

- 21.** 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.** The applicant shall provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES)
- 23.** 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 daily and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP 2001-0068)
- 24.** No food, beverages, or other material shall be stored outside. (P&Z) (SUP 2001-0068)
- 25.** At least two trash containers shall be located in the parking area for the use of patrons; the containers shall not be permitted to overflow, and the areas around them shall be kept clean. (P&Z) (SUP #2001-0068)
- 26.** Trash and garbage shall be stored inside or in a dumpster.(P&Z) (SUP 2001-0068)
- 27.** 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 2001-0068)
- 28.** Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residue be washed onto the streets, alleys, sidewalks or storm sewers. (SUP 2001-0068)
- 29.** Delivery service to customers shall be limited to a maximum of two delivery vehicles. (P&Z) (SUP 2001-0068)
- 30.** No employees or delivery vehicles shall park on or load from Wesmond Drive, the public alley adjacent to the site, or any other public right of way. (P&Z) (SUP 2001-0068)
- 31.** No live entertainment shall be provided at the restaurant. (P&Z) (SUP 2001-0068)
- 32.** No alcohol sales are permitted. (P&Z) (SUP 2001-0068)
- 33.** The use of loudspeakers or musicians outside of the restaurant shall be prohibited. (TES) (SUP 2001-0068)
- 34.** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site to prevent them from becoming a nuisance to neighboring properties, as determined by the department of Transportation and Environment Services. (T&ES) (SUP 2001-0068)

35. All disposable food or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z)

~~**36.** Condition deleted.~~

37. The applicant shall submit a final site plan for review and approval prior to construction activity. The plan shall include topographic information, show existing and proposed features, dimensions and details. The landscaping beds shall be constructed at, or below, grade in such a way as to capture stormwater runoff from the parking area. (P&Z) (T&ES) (SUP 2001-0068)

38. The applicant shall replace the both driveway aprons located on Jefferson Davis Highway with city standard curb/gutter and sidewalk. (T&ES) (SUP 2001-0068)

39. Provide \$896 ~~1,150~~ per receptacle to the Director of T&ES for purchase and installation of one (1) receptacle; Iron Site Bethesda Series, Model SD-42 decorative black metal trash cans with domed lid by Victor Stanley. The receptacle shall be placed in the public right of way along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan.* (T&ES)

~~**40.** Condition deleted.~~

~~**41.** Condition deleted.~~

42. 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, (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) (SUP 2001-0068)

~~**43.** Condition deleted.~~

~~**44.** Condition deleted.~~

F. SIGNAGE:

45. Design business and identification signs to relate in material, color and scale to the building on which the sign is displayed to the satisfaction of the Director of P&Z.

- a. The business and identification signs shall be designed of high quality materials and sign messages shall be limited to logos and names.
- b. Installation of building mounted signage shall not damage the building and signage shall comply with all applicable codes and ordinances. (P&Z)

46. A freestanding sign shall be prohibited on or adjacent to the property. (P&Z)
47. Install a temporary informational sign on the site prior to the approval of the final site plan for the project. The sign shall be displayed until construction is complete or replaced with a contractor or real estate sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project.* (P&Z)(T&ES)

G. PARKING:

48. Provide a minimum of 2 bicycle parking space(s) per Alexandria's current Bicycle Parking Standards. Bicycle parking standards, acceptable rack types for short- and long-term parking and details for allowable locations are available at: www.alexandriava.gov/bicycleparking. (T&ES)
49. Provide sixteen parking spaces (including one handicap accessible space, van-sized) in the on-site parking lot per Attachment #1. (P&Z)
50. Show turning movements of standard vehicles in the parking lots. Show turning movements of the largest anticipated delivery vehicle and the delivery area and path through the site. Turning movements shall meet AASHTO vehicular guidelines and shall be to the satisfaction of the Director of T&ES. (T&ES)
51. All 90 degree vehicle parking spaces adjacent to a sidewalk less than seven feet shall have wheel stops. (T&ES)

H. BUS STOPS AND BUS SHELTERS:

52. **CONDITION AMENDED BY STAFF:** The bus stop passenger loading pad and bus stop pole shall be relocated a minimum of five (5) feet north of the existing curb inlet and made ADA compliant. ADA compliance includes:
Install an unobstructed eight (8) ~~seven (7)~~ foot wide, parallel to the roadway, by eight (8) foot wide, perpendicular to the curb, bus stop passenger loading pad. The loading pad shall be at the same grade as the sidewalk, connect the curb to the sidewalk, and the pad's surface material shall match the sidewalk. The existing width of the sidewalk may be counted towards the 8 foot wide perpendicular to the curb area. Passenger loading pads shall never be placed on storm drain inlets, catch basins, and other obstacles that would make the bus stop and bus stop loading pad inaccessible. (T&ES)

I. SITE PLAN:

53. **CONDITION AMENDED BY STAFF:** Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within ~~36-18~~ months after initial approval and such construction is thereafter pursued with due diligence. The applicant

shall provide a written status report to staff ~~18~~9 months after initial approval to update the City Council on the project status. (P&Z)

54. If new easements or dedications are required for this development, submit the plat of all applicable easements and/or dedications prior to the final site plan submission. The plat(s) shall be approved and recorded prior to the release of the final site plan.* (P&Z)
55. Coordinate location of site utilities with other site conditions to the satisfaction of the Directors of RP&CA, P&Z, and T&ES. These items include:
- a. Location of site utilities including above grade service openings and required clearances for items such as transformers, telephone, HVAC units and cable boxes.
 - b. Minimize conflicts with plantings, pedestrian areas and major view sheds.
 - c. Do not locate above grade utilities in dedicated open space areas. (RP&CA)(P&Z)(T&ES)
56. **CONDITION AMENDED BY STAFF:** Provide a lighting plan with the final site plan to verify that lighting meets City standards. The plan shall be to the satisfaction of the Directors of T&ES, P&Z, and RP&CA in consultation with the Chief of Police and shall include the following:
- a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information.
 - b. Determine if existing lighting meets minimum standards within the City right-of-way adjacent to the site. If lighting does not meet minimum standards, additional lighting shall be provided to achieve City standards or to the satisfaction of the Director of T&ES.
 - c. A lighting schedule that identifies each type and number of all fixtures, mounting height, and strength of fixture in Lumens or Watts.
 - d. Manufacturer's specifications and details for all proposed fixtures including site, landscape, pedestrian, sign(s) and security lighting.
 - e. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all adjacent streets and/or 20 feet beyond the property line on all adjacent properties and rights-of-way. Show existing and proposed street lights and site lights.
 - f. Photometric site lighting plan shall be coordinated with architectural/building mounted lights, site lighting, street trees and street lights to minimize light spill into adjacent residential areas.
 - g. Provide location of conduit routing between site lighting fixtures so as to avoid conflicts with street trees.
 - h. Detail information indicating proposed light pole and footing in relationship to adjacent grade or pavement. All light pole foundations shall be concealed from view.

- i. The lighting for the areas not covered by the City of Alexandria' standards shall be designed to the satisfaction of Directors of T&ES and P&Z.
- j. Provide numeric summary for various areas (i.e., roadway, walkway/ sidewalk, alley, and parking lot, etc.) in the proposed development.
- k. Full cut-off lighting shall be used at the development site to prevent light spill onto adjacent properties. (P&Z)(T&ES)(RP&CA)(Police)

57. Provide the following on the cover sheet of the final submission:

- a. A list of all special use permits (SUPs); site plan approvals and zoning modifications or waivers being requested. For this application, the SUPs and modifications being requested should read:

Special Use Permits required:

- restaurant SUP

Modifications required:

- rear setback reduction to six feet
- reduction in loading space.

- b. A list of all existing special use permits; site plans and proffers that apply to all or part of the site. Make clear in the text that the existing SUP is for an existing restaurant, e.g. "SUP#2010-0068 (existing restaurant SUP)"
- c. A revised index of drawings that correctly reflects the drawing order.
- d. The actual proposed floor-area-ratios in addition to the text currently submitted, e.g. "Total xxx sq ft = x.x FAR".
(P&Z)

58. In the project narrative, amend the reference to the site disturbance to that shown on the drawings, i.e. the area of the existing restaurant will not be disturbed. Remove the reference to the sign being relocated to the SW island site. (P&Z)

59. Provide clarification/amend the Total Area of the Site Plan within the Area Calculations. Move all of the area calculations to the cover sheet and do not provide on multiple sheets. (P&Z)

60. On page S-2 the RB and CSL zones at the rear of the property are shown incorrectly. Revise to show correct zone titles. (P&Z)

J. CONSTRUCTION MANAGEMENT:

- 61. Submit a construction management plan for review and approval by the Directors of P&Z, T&ES and Code Administration prior to final site plan release. The plan shall:**
- a. Include a plan for temporary pedestrian and vehicular circulation;
 - b. Include the overall schedule for construction and the hauling route;
 - c. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work;

- d. If the plan is found to be violated during the course of construction, citations will be issued for each infraction and a correction notice will be forwarded to the applicant. If the violation is not corrected within five (5) calendar days, a “stop work order” will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)(Code)

62. CONDITION AMENDED BY STAFF: Provide off-street parking for all construction workers without charge to the construction workers. Construction workers shall not be permitted to park on-street. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be a component of the construction management plan, which shall be submitted to the Department of P&Z and T&ES prior to final site plan release. This plan shall:

- a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.
- b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
- c. If the plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within five (5) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)

63. The sidewalks shall remain open during construction or pedestrian access shall be maintained to the satisfaction of the Director of T&ES throughout the construction of the project. (T&ES)

64. No major construction staging shall be allowed within the public right-of-way on Route 1 (Jefferson Davis Highway). The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. ** (T&ES)

65. CONDITION AMENDED BY STAFF: A “Certified Land Disturber” (CLD) shall be named in a letter to the Division Chief of Construction Management & Inspection prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES)

66. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners and civic associations to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)(T&ES)

66A. CONDITION ADDED BY STAFF: Prior to commencement of landscape installation/planting operations, a pre-installation/construction meeting will be scheduled with the project planner in the Department of Planning & Zoning to review the scope of installation procedures and processes. This is in addition to the pre-construction meeting required above. (P&Z)

67. Identify a person who will serve as a liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (P&Z)(RP&CA)(T&ES)

68. Implement a waste and refuse control program during the construction phase of this development. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of T&ES and Code Administration. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)

68A. CONDITION ADDED BY STAFF: Submit a wall check prior to the commencement of construction of the first floor above grade framing for the building(s). The wall check shall include the building footprint, as depicted in the approved final site plan, the top-of-slab elevation and the first floor elevation. The wall check shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the P&Z prior to commencement of framing. (P&Z)

68B. CONDITION ADDED BY STAFF: Submit an as-built development site plan survey, pursuant to the requirements outlined in the initial as-built submission for occupancy portion of the as-built development site plan survey checklist to the Department of Transportation and Environmental Services Site Plan Coordinator prior to requesting a certificate of occupancy permit. The as-built development site plan survey shall be prepared and sealed by a registered architect, engineer, or surveyor. Include a note which states that the height was calculated based on all applicable provisions of the Zoning Ordinance. *** (P&Z) (T&ES)

69. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)

K. STORMWATER:

70. Demonstrate the availability of a storm sewer adequate outfall in compliance with the requirements of Virginia Department of Conservation and Recreation (DCR), Erosion and Sediment Control (ESC) Regulations (4VAC50-30-40.19) Minimum Standard 19

(MS-19), Article XI Section 11-410 (N) of the Alexandria Zoning Ordinance (AZO). (T&ES)

L. STREETS / TRAFFIC:

- 71. If the City's existing public infrastructure is damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. (T&ES)
- 72. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction and Inspection staff to document existing conditions prior to any land disturbing activities. (T&ES)
- 73. Submit a Traffic Control Plan as part of the final site plan, for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging shall be provided for informational purposes. In addition, the Traffic Control Plan, shall be amended as necessary and submitted to the Director of T&ES along with the Building and other Permit Applications as required. The Final Site Plan shall include a statement "FOR INFORMATION ONLY" on the Traffic Control Plan Sheets. (T&ES)
- 74. All Work Zone Traffic Control plans shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)

M. UTILITIES:

- 75. Locate all private utilities outside of the public right-of-way and public utility easements. (T&ES)

N. SOILS:

- 76. Provide a geotechnical report. (T&ES)

O. WATERSHED, WETLANDS, & RPAs:

- 77. The project site lies within Four Mile Run Watershed thus stormwater quantity controls shall be designed to demonstrate that post development stormwater runoff does not exceed the existing runoff quantities for the 2-year, 10-year, and 100-year storm events. (T&ES)
- 78. The storm water collection system is located within the Four Mile Run watershed. All on-site storm water curb inlets and public curb inlets within 50 feet of the property line shall be duly marked using standard City markers, or to the satisfaction of the Director of T&ES. (T&ES)

P. BMP FACILITIES:

- 79. CONDITION AMENDED BY STAFF:** The City of Alexandria's storm water management regulations regarding water quality are two-fold: first, state phosphorus removal requirement and second, Alexandria water quality volume default. Compliance with the state phosphorus requirement does not relieve the applicant from the Alexandria water quality default requirement. The Alexandria water quality volume determined by the site's proposed impervious area shall be treated in a Best Management Practice (BMP) facility. (T&ES)
- 80.** Provide BMP narrative and complete pre and post development drainage maps that include areas outside that contribute surface runoff from beyond project boundaries to include adequate topographic information, locations of existing and proposed storm drainage systems affected by the development, all proposed BMPs and a completed Worksheet A or B and Worksheet C, as applicable. (T&ES)
- 81.** The storm water Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
- a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. **** (T&ES)
- 82. CONDITION AMENDED BY STAFF:** Submit two originals of the storm water quality BMP Maintenance Agreement, to include the BMP Schedule and Guidelines Addendum with the City to be reviewed as part of the Final #2 Plan. The agreement must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan.* (T&ES)
- 83.** The Applicant/Owner shall be responsible for installing and maintaining storm water Best Management Practices (BMPs). The Applicant/Owner shall execute a maintenance service contract with a qualified private contractor for a minimum of three years and develop an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the maintenance contract shall be submitted to the City. ****(T&ES)

84. Submit a copy of the Operation and Maintenance Manual to the Office of Environmental Quality on digital media prior to release of the performance bond. ****(T&ES)

85. Prior to release of the performance bond, the Applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that any existing storm water management facilities adjacent to the project and associated conveyance systems were not adversely affected by construction operations. If maintenance of the facility or systems were required in order to make this certification, provide a description of the maintenance measures performed. ****(T&ES)

Q. CONTAMINATED LAND:

86. Indicate whether or not there is any known soil and groundwater contamination present as required with all preliminary submissions. Should any unanticipated contamination, underground storage tanks, drums or containers be encountered at the site, the Applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Office of Environmental Quality. (T&ES)

R. NOISE:

87. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)

S. ARCHAEOLOGY:

88. CONDITION AMENDED BY STAFF: Call Alexandria Archaeology immediately (703-838746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

89. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

CITY DEPARTMENT CODE COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F – Finding

Planning and Zoning

- C - 1 **CONDITION ADDED BY STAFF:** As-built documents for all landscape and irrigation installations are required to be submitted with the Site as-built and request for Performance Bond release. Refer to City of Alexandria Landscape Guidelines, Section III A & B. **** (P&Z) (T&ES)
- C - 2 **CONDITION ADDED BY STAFF:** The landscape elements of this development shall be subject to the Performance and Maintenance bonds, based on criteria established by the City and available through T&ES. Release of Performance and Maintenance Bonds are subject to inspections by City staff per City Code requirements. A final inspection for landscaping is also required three years after completion. **** (P&Z) (T&ES)

Transportation and Environmental Services

- F - 1 The BMP shall be sized to accommodate any off-site area directed to it. However, the phosphorus removal worksheets shall be completed using on-site areas only. (OEQ)
- F - 2 The concept plan meets the phosphorus removal requirement of a 14% reduction by treating 100% of the site's impervious area with a hydrodynamic device which has an efficiency of 15%. The applicant is reminded that any reduction to the amount of impervious area captured will require a BMP with a higher efficiency. (OEQ)
- F - 3 The plan shall show sanitary and storm sewer, and water line in plan and profile in the first final submission and cross reference the sheets on which the plan and profile is shown, if plan and profile is not shown on the same sheet. Clearly label the sanitary and storm sewer, or water line plans and profiles. Provide existing and proposed grade elevations along with the rim and invert elevations of all the existing and proposed sanitary and storm sewer at manholes, and water line piping at gate wells on the respective profiles. Use distinctive stationing for various sanitary and storm sewers (if applicable or required by the plan), and water line in plan and use the corresponding stationing in respective profiles. (T&ES)
- F - 4 The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F - 5 Include all symbols, abbreviations, and line types in the legend. (T&ES)
- F - 6 Show the drainage divide areas on the grading plan or on a sheet showing reasonable information on topography along with the structures where each sub-area drains. (T&ES)

- F - 7 Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F - 8 All the existing and proposed public and private utilities and easements shall be shown on the plan and a descriptive narration of various utilities shall be provided. (T&ES)
- F - 9 The Traffic Control Plan shall replicate the existing vehicular and pedestrian routes as nearly as practical and the pedestrian pathway shall not be severed or moved for non-construction activities such as parking for vehicles or the storage of materials or equipment. Proposed traffic control plans shall provide continual, safe and accessible pedestrian pathways for the duration of the project. (T&ES)
- F - 10 **FINDING ADDED BY STAFF:** The Final Site Plan must be prepared per the requirements of Memorandum to Industry 02-09 dated December 3, 2009, Design Guidelines for Site Plan Preparation, which is available at the City's following web address:

<http://alexandriava.gov/uploadedFiles/tes/info/Memo%20to%20Industry%20No.%2002-09%20December%203,%202009.pdf>
- F - 11 **FINDING ADDED BY STAFF:** Asphalt patches larger than 20% of the total asphalt surface, measured along the length of the road adjacent to the property frontage and/or extending to the centerline of the street, will require full curb to curb restoration (T&ES)
- F - 12 **FINDING ADDED BY STAFF:** Add complete streets tabulation to the cover sheet with the Final 1 submission. (T&ES)
- C - 1 Per the requirements of the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a drainage study and adequate outfall analysis for the total drainage area to the receiving sewer that serves the site. If the existing storm system is determined to be inadequate then the applicant shall design and build on-site or off-site improvements to discharge to an adequate outfall; even if the post development storm water flow from the site is reduced from the pre-development flow. The Plan shall demonstrate to the satisfaction of the Director of T&ES that a non-erosive stormwater outfall is present. (T&ES)
- C - 2 Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan so that from the site, the post-development peak runoff rate from a two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. If the project site lies within the Braddock-West watershed then the applicant shall provide an additional 10% storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)

- C - 3 Per the requirements of Article 13-113 (d) of the AZO, all stormwater designs that require analysis of pressure hydraulic systems, including but not limited to the design of flow control structures and storm water flow conveyance systems shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. The design of storm sewer shall include the adequate outfall, inlet, and hydraulic grade line (HGL) analyses that shall be completed to the satisfaction of the Director of T&ES. Provide appropriate reference and/or source used to complete these analyses. (T&ES)
- C - 4 Location of customer utility services and installation of transmission, distribution and main lines in the public rights of way by any public service company shall be governed by franchise agreement with the City in accordance with Title 5, Chapter 3, Section 5-3-2 and Section 5-3-3, respectively. The transformers, switch gears, and boxes shall be located outside of the public right of way. (T&ES)
- C - 5 (a) Per the requirements of Section 5-3-2, Article A, Chapter 3 of the City of Alexandria Code, all new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971 be installed below the surface of the ground except otherwise exempted by the City Code and to the satisfaction of the Director, Department of Transportation and Environmental Services. (b) Per the requirements of Section 5-3-3, Article A, Chapter 3 of the City of Alexandria Code, all new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains, and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways except otherwise exempted by the City Code and to the satisfaction of Director, Department of Transportation and Environmental Services. (T&ES)
- C - 6 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to the industry on Downspouts, Foundation Drains, and Sump Pumps, Dated June 18, 2004 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be piped to the storm sewer outfall, where applicable after treating for water quality as per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). (T&ES)
- C - 7 In compliance with the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a sanitary sewer adequate outfall analysis as per the requirements of Memorandum to Industry No. 02-07 New Sanitary Sewer Connection and Adequate Outfall Analysis dated June 1, 2007. (T&ES)
- C - 8 Per the requirements of Title 4, Chapter 2, Article B, Section 4-2-21, Appendix A, Section A 106(6), Figure A 106.1 Minimum Standards for Emergency Vehicle Access: provide a total turning radius of 25 feet to the satisfaction of Directors of T&ES and Office of Building and Fire Code Administration and show turning movements of

standard vehicles in the parking lot as per the latest AASHTO vehicular guidelines. (T&ES)

- C - 9 **CODE REQUIREMENT DELETED BY STAFF:** ~~Americans with Disability Act (ADA) ramps shall comply with the requirements of Memorandum to Industry No. 03-07 on Accessible Curb Ramps dated August 2, 2007 with truncated domes on the end of the ramp with contrasting color from the rest of the ramp. A copy of this Memorandum is available on the City of Alexandria website. (T&ES)~~
- C - 10 **CODE REQUIREMENT AMENDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The plan shall show the turning movements of a trash truck and the trash truck shall not back up to collect trash or recycling. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at ~~703-519-3486 ext.132~~ 703-746-4410, or via email at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C - 11 The applicant shall be responsible to deliver the solid waste, as defined by the City Charter and Code of the City of Alexandria, to the Covanta Energy Waste Facility located at 5301 Eisenhower Avenue. A note to that effect shall be included on the plan. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
- C - 12 **CODE REQUIREMENT AMENDED BY STAFF:** The applicants will be required to submit a Recycling Implementation Plan form to the Solid Waste Division, as outlined in Article H to Title 5 (Ordinance Number 4438), which requires all commercial properties to recycle. Instructions for how to obtain a RIP form can be found at: www.alexandriava.gov/solidwaste or by calling the Solid Waste Division at 703.746.4410 or by e-mailing CommercialRecycling@alexandriava.gov.
- C - 13 Bond for the public improvements must be posted prior to release of the site plan.* (T&ES)
- C - 14 The sewer tap fee must be paid prior to release of the site plan.* (T&ES)
- C - 15 Plans and profiles of utilities and roads in public easements and/or public Right of Way must be approved prior to release of the plan.* (T&ES)
- C - 16 Provide a phased erosion and sediment control plan consistent with grading and construction plan. (T&ES)

- C - 17 Per the Memorandum to Industry, dated July 20, 2005, the applicant is advised regarding a requirement that applicants provide as-built sewer data as part of the final as-built process. Upon consultation with engineering firms, it has been determined that initial site survey work and plans will need to be prepared using Virginia State Plane (North Zone) coordinates based on NAD 83 and NAVD 88. Control points/Benchmarks which were used to establish these coordinates should be referenced on the plans. To insure that this requirement is achieved, the applicant is requested to prepare plans in this format including initial site survey work if necessary. (T&ES)
- C - 18 All pedestrian, traffic, and way finding signage shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES. (T&ES)
- C - 19 All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C - 20 All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C - 21 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. (T&ES)
- C - 22 The applicant shall comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for stormwater pollutant load reduction, treatment of the water quality volume default and stormwater quantity management. (T&ES)
- C - 23 The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)
- C - 24 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources shall be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a VSMP permit for land disturbing activities greater than 2500 SF. * (T&ES)

Code Administration:

- C - 1 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Six 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 - 2 **CODE REQUIREMENT DELETED BY STAFF** ~~The “building data” on the cover sheet is incorrect. The applicable codes used will be the 2006 edition of the Virginia Construction Code that includes the 2006 edition of the ICC Building, Mechanical, Plumbing, and Fire Codes as amended~~
- C - 3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C - 4 A soils report must be submitted with the building permit application.
- C - 5 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.
- C - 6 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 - 7 Guardrail structural design and construction must comply with USBC.
- C - 8 Guardrail height and openings must comply with USBC 1012.2 and 1012.3.
- C - 9 Handrails must comply with USBC 1009.10.
- C - 10 Two means of egress are required from each level of the restaurant (USBC 1018.1).
- C - 11 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 (USBC 904: M-507.1).
 - (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 cannot discharge to the building drainage system through a grease interceptor (USBC 2801).
- C - 12 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 - 13 A seating/table layout (indoor and/or outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C - 14 Sufficient toilet rooms must be provided to accommodate the total occupancy load for restaurant staff and the combined indoor and/or outdoor patron seating capacity (USBC 2902.1).
- C - 15 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C - 16 Roof drainage must not run toward adjacent property. If the footprint area of the addition: (1) exceeds the footprint area of the existing structure, or (2) the roof drainage of the existing structure is hard piped, or (3) the roof drainage from the addition will cause erosion or damage to an adjacent property, then run-off water must be hard piped (schedule 40 PVC pipe; ≥ 3 " in diameter) to the storm, sewer, inlet box, building sub drain, street flume or curb.
- C - 17 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C - 18 Wall letters / signs must comply with USBC [H103-H111] Please indicate the method to be used for anchoring the letters to the wall.
- C - 19 Projecting, hanging signs must comply with USBC [H103-H107, H112] for type of materials, maximum projection, vertical clearance below all parts of the sign, and additional loads.
- C - 20 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration (USBC 3105.3).
- C - 21 Canopies must comply with USBC 3202.3.1 for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. Structural designs of fabric covered canopies must comply with USBC 3105.3. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk and the clearance between the covering or valance and the sidewalk must not be less than 7 feet.
- C - 22 Canopies must comply with USBC 3105.1 and the applicable sections of USBC: Chapter 16. Structural designs of fabric covered canapés must comply with USBC 3105.3.
- C - 23 Awnings must comply with all applicable requirements of USBC 3105.3 and 3202.3.1 Retractable and fixed awnings must have a minimum 7 foot clearance form a sidewalk to the lowest part of the framework or any fixed portion of any retractable awning is required. Retractable awnings must be securely fastened to the building and cannot extend closer than 24 inches in from the curb line (USBC 3202.3.1).

C - 24 Provide a covered roof for the external staircase and landing.

F - 1 The applicant shall obtain a sign permit for the proposed sign and/ or wall lettering.

Environmental Health

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 \$200.00 fee for review of plans for food facilities.

C - 3 Approval must be obtained prior to use of the modified areas.

C - 4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

C - 5 A Certified Food Manager must be on duty during all hours of operation.

F - 1 This facility is currently operating as Marino's under an Alexandria Health permit, issued to Old Alexandria Food Service.

R - 1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police

R - 1 A security assessment is to be completed on any/all construction trailers that are placed on the site. This is to be completed as soon as the trailers are placed on site by calling the Community Relations Unit at 703- 838-4520.

R - 2 Upon completion of the addition, the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business.

R-3 Upon completion of the addition, the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.

F - 1 No lighting plan was submitted. Police Department records indicate that several drug arrests have been made and a vehicle was stolen from the parking lot of Marino's which is poorly lit and next to an alley leading into Wesmond Drive.

- Please submit a lighting plan for review that includes the luminaries directing light illumination where it should go, which is on the ground.

- F - 2 Police Department records indicate that on February 7, 2010 a destruction of property report was made indicating that a window of the business was shattered. This reiterates the need for proper lighting on the site.

Also this is a stand-alone business that is open late at night and these types of businesses attract crime. Moreover, all the ground-level entrances are vulnerable and will require additional security measures; the same is true for the second floor fire escape door.

- Please provide a plan that details security measures the applicant will take to properly secure the business and make it less vulnerable to crime. Should the applicant need assistance, they can call the Community Relations Unit at 703-838-4520.

Alexandria Sanitary Authority

- C - 1 Ensure all discharges are in accordance with City of Alexandria Code 4035 (ASA)
- R - 1. The Applicant shall coordinate with City of Alexandria T&ES to insure that planned flow capacity does not exceed City of Alexandria allotted ASA plant capacity of 21.5 MGD. (ASA)
- R - 2. The Applicant shall coordinate with City of Alexandria T&ES to insure to ASA in writing that proposed additional flow does not exceed capacity in ASA Interceptors & Trunk Sewers during wet & average flow conditions. (ASA)

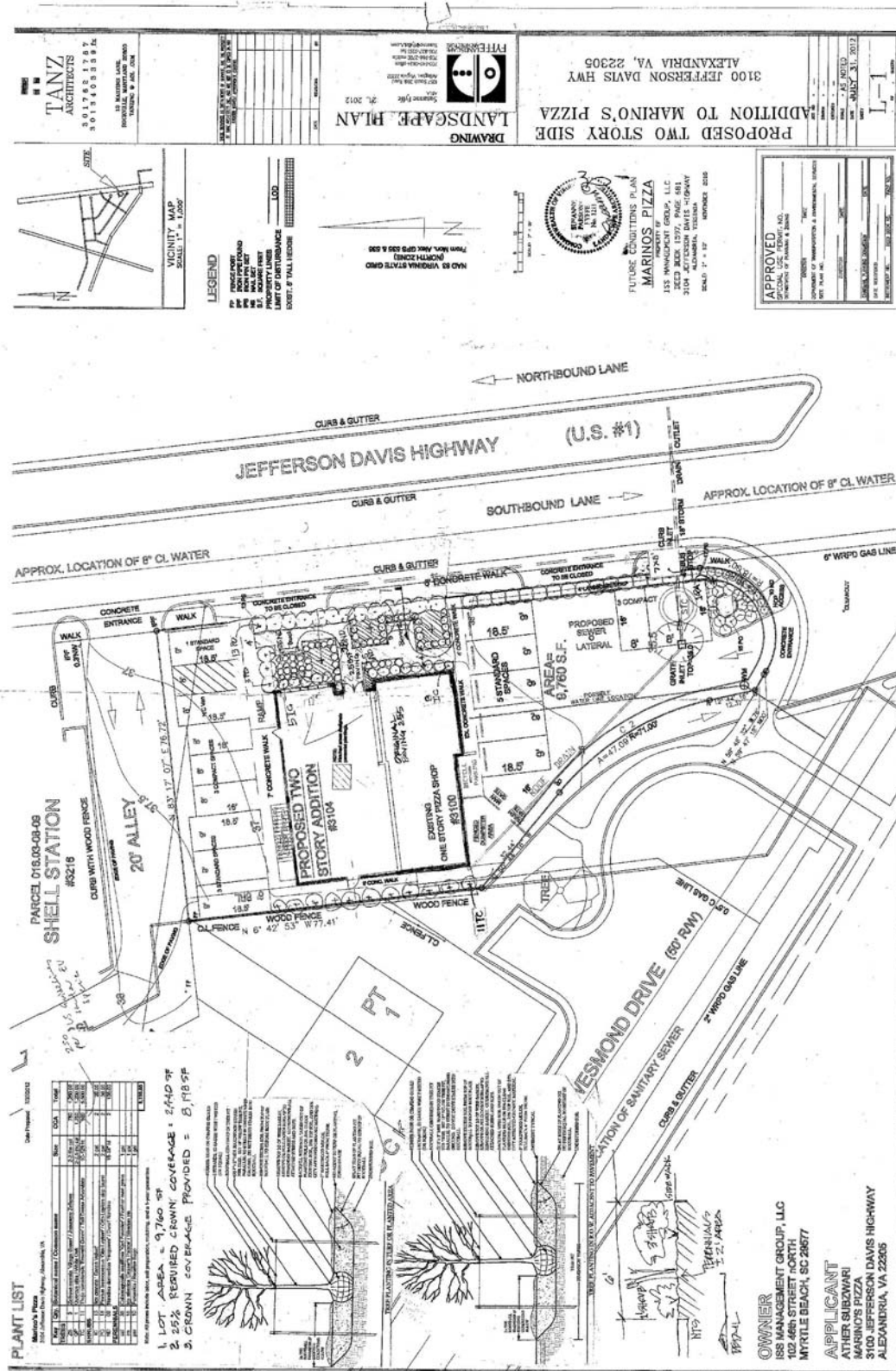
Archaeology

- F - 1. Historical maps from the 1860s, 1878 and 1894 indicate the presence of houses in the vicinity of this property, but no structures are known to be present on the lot. Although the potential for the discovery of a significant site is low, it is possible that some evidence of 19th-century activities associated with these nearby houses could be found.

Asterisks denote the following:

- * Condition must be fulfilled prior to release of the final site plan
- ** Condition must be fulfilled prior to release of the building permit
- *** Condition must be fulfilled prior to release of the certificate of occupancy
- **** Condition must be fulfilled prior to release of the bond

Attachment#2: Landscape Plan



Attachment#3: Elevations



Proposed Front Elevation



Proposed Side Elevation (from North)



APPLICATION

DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

DSP # 2014-0005

Project Name: MARINO'S PIZZA

PROPERTY LOCATION: 3100 Jefferson Davis Highway. Northwest corner if Wesmond Dr,

TAX MAP REFERENCE: 016.03-08-10

ZONE: CSL

APPLICANT:

Name: ATHER SUBZWARI

Address: 3100 JEFFERSON DAVIS HIGHWAY, ALEXANDRIA, VA.22305

PROPERTY OWNER:

Name: ISS MANAGEMENT GROUP, LLC

Address: 102 46th Street North, Myrtle Beach, S.C. 29577-2766

SUMMARY OF PROPOSAL Addition to existing Marino's Pizza Carry out for on-site dining.

MODIFICATIONS REQUESTED Reduction in required parking; waiver of loading space,
Rear setback modification, Reduction in crown coverage

SUPs REQUESTED Restaurant

☒ **THE UNDERSIGNED** hereby applies for Development Site Plan with Special Use Permit approval in accordance with the provisions of Section 11-400 of the Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Ather Subzwari

Print Name of Applicant or Agent

3100 Jefferson Davis Highway

Mailing/Street Address

Alexandria, VA. 22305

City and State

Zip Code



703-548-8544

Telephone #

Fax #

asubzwari21@aol.com

Email address

2/07/14

Date

ALL APPLICANTS MUST COMPLETE THIS FORM.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is: (check one)

☐ the Owner ☐ Contract Purchaser ☒ Lessee or ☐ Other: _____ of
the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.
see attachment A

If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ **Yes.** Provide proof of current City business license.
- ☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. ISS Management	102 46TH STREET, NORTH	100%
2.	MIRACLE BEACH, SC 29517	
3. See Attachment A for individual ownership percentages		

2/07/14 *Other* at Ather Subzwari, 16605 Bodge Ct, Dumfries, VA 22026
 2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 360 Jefferson Davis Highway (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application. *I am a Lessee of Applicant*

Name	Address	Percent of Ownership
1. ISS Management	102 46TH STREET NORTH, MYRTLE BEACH, SC 29517	100
2. See Attachment A for individual ownership percentages		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. ISS Management	None	None
2. Ather Subzwari	I am Lessee and Applicant	Applicant of the
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/07/14 ATHER SUBZWARI *Ather Subzwari*
 Date Printed Name Signature

Attachment A

Property located at 3203 is owned by ISS Management LLC. Below are listed the owner names, addresses and percentage of interest/equity in ISS Management LLC.

Name	Address	Percent of Ownership
Staton Family Trust	482 45 th Avenue North Myrtle Beach, SC 29577	30%
Norma Staton	482 45 th Avenue North Myrtle Beach, SC 29577	10%
Gwyn Staton	95 Highland Ave. Casperville, Mo. 98239	17%
Victoria Ishee	4903 Twin Branches Way Doraville, GA 30338	17%
Scott Staton	719 W. Broad Street Richmond, VA 23220	17%

For ISS Management

9/16/2010

Date

Victoria Ishee

Victoria Ishee

Attachment A

Property located at 3100 Jefferson Davis Highway is owned by ISS Management Group, LLC. Below are listed the owner names, addresses and percentage of interest/equity in ISS Management Group, LLC.

Name	Address	Percent of Ownership
Gwyn Staton	7506 34th Avenue NW Seattle, WA 98117	33.3333%
Victoria Ishee	4903 Twin Branches Way Atlanta, GA 30338	33.3333%
Scott Staton	719 West Broad Street Richmond, VA 23220	33.3333%

For ISS Management Group:

2/11/2014

Date

Victoria Ishee

- 2. Narrative description.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. If not appropriate to the request, delete pages 6-9. *(Attach additional sheets if necessary.)*

See Attachment B

ATTACHMENT B
PROJECT NARRATIVE:

Marino's Pizza business is located at 3100 Jefferson Davis Highway (U.S. Route 1), northwest corner of the intersection with Wesmond Drive. It is across the street from the Potomac yards Retail Center. The site contains an existing one story commercial building, zoned CSL. The site is 9,760 square feet.

The proposed project will add a 2,547 square feet, two story addition on the north side of the existing building, with an interior doorway connection. The first floor of the addition will contain cooking kitchen facilities, bathrooms, food storage areas, a waiting area and eight table seats for handicap patrons. An interior stairway would provide access to the second floor, where the main dining area will be located. There will be a total capacity for 44 seats. A second floor emergency exit would lead to an exterior metal stairway down to the parking lot.

The existing site is bounded on the north by a 20 feet wide public alley which connects to Route 1. This alley entrance would provide access for southbound Route 1 traffic, to the northern entrance to the site. On the northern side a total of eight (8) parking spaces are provided, of which 3 compact spaces and 1 handicap space are provided. As required by the City of Alexandria, the two existing curb cuts along route 1 will be closed. A second southern entrance to the site is provided, which would provide access for northbound traffic off route 1, through a left turn. The southern access to the site provides to a second parking area which provide an additional eight (8) parking spaces, of which 3 are compact spaces. A total of 16 spaces are provided, meeting the zoning requirements.

The only setback requirement for this site is a rear setback of 25'. The existing building has a reduced rear setback of 6'. Given existing conditions, the Development Special Use Permit (DSUP # 2010-0004) approved to allow a reduced 6' rear setback for the proposed building addition in line with the existing 6' rear setback. The approval includes the requirement to provide a screen of evergreen planting along the rear property line, to supplement the separation between the subject property and the abutting residential neighbor.

The south and southwest boundary of the site is adjacent to the portion of the original property that was condemned by the City of Alexandria in 1973, in order to make Wesmond Drive a dead-end street, with no access to U.S. 1. The remaining part of the Wesmond Drive paving at the old intersection still allows access to the site through a curb cut entrance. This entrance would become the south entrance and exit from the site.

The construction of the cul-de-sac by the City of Alexandria in 1973 did not follow the boundary established in the condemnation. The existing parking lot paving extends as much as seven (7) feet beyond the taking line. The paving has been used as parking area for nearly 40 years, and it would continue as such under this project.

The Development Special Use Permit (DSUP # 2010-0004), has also approved a modification in the requirement for a loading space. As required by code, one loading space is required for buildings containing 2,500 square feet of floor area. However, the applicant has shown that a loading space will not be required, and therefore DSUP 2010-0004, has approved to not require any loading spaces for this project.

The Development Special Use Permit (DSUP # 2010-0004), has further approved to exercise flexibility from the City's Green Building policy. The approval is based on the modest nature of this project, and determination that this project is a small addition to an existing development. Furthermore, the applicant will incorporate other environmental techniques, such as providing water quality attenuation, and

ATTACHMENT B(CONT.)

incorporating water fixtures certified by the Environmental Protection Agency (EPA), to reduce municipal wastewater.

Stormwater management water quality attenuation will be provided by the design of a hydrodynamic system, a Stormceptor unit. Given the existing imperviousness of the site, and physical space available, water quality is best achieved by providing a stormceptor. The phosphorous loading calculations show that the pollutant removal requirement is 1.33%. The stormceptor unit provides a 15% credit for phosphorous removal, as allowed by City of Alexandria. In real terms, the water quality provided by the stormceptor unit is based on a calculated three month peak runoff of 0.32 cfs.

The proposed project will provide a reduction in imperviousness from 96.9% to 87.7%, therefore peak runoff calculations show a drop in the peak runoff for the 2 year, and 10 year runoff events.

Water and sewer service will be provided by existing service connections that currently service the existing building. The addition will be serviced by internal plumbing connections from the existing building.

New landscaping will be provided between the sidewalk on route 1 and the buildings on the site. Even though the entire site will be disturbed, resurfaced, there will be no earth moving other than for footings, and utility trenches.

3. **How many patrons, clients, pupils and other such users do you expect?**

Specify time period (i.e., day, hour, or shift).

Carry out ; 60-75 per day Dining Room 100 per day

4. **How many employees, staff and other personnel do you expect?**

Specify time period (i.e. day, hour, or shift).

carry out 3 staff per shift (max.) Dining Room 3 staff per shift (max.)

5. **Describe the proposed hours and days of operation of the proposed use:**

Day	Hours	Day	Hours
Mon-Thursday	10 a.m.- 1 a.m.	carry out and Dining	
Friday-Saturday	10 am-2 am	carry out and Dining	
Sunday	11 am-11 pm	carry out and dining	

6. **Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all mechanical equipment and patrons.
only normal noise

B. How will the noise from patrons be controlled?

7. **Describe any potential odors emanating from the proposed use and plans to control them:**

only cooking odors when doors open

8. Provide information regarding trash and litter generated by the use:

- A. What type of trash and garbage will be generated by the use?
Normal Restaurant trash

- B. How much trash and garbage will be generated by the use?

Two Dumpsters per week

- C. How often will trash be collected?

Twice per week

- D. How will you prevent littering on the property, streets and nearby properties?
All carry out food will be consumed off-site. Trash cans will be provided in the dining areas.

9. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

10. Will any organic compounds (for example: paint, ink, lacquer thinner, or cleaning or degreasing solvent) be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Cleaning supplies will be stored in a closet

11. What methods are proposed to ensure the safety of residents, employees and patrons?

city codes and police protection

ALCOHOL SALES

12. Will the proposed use include the sale of beer, wine or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

13. Provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

16 total - 5 for existing restaurant and 11 for new restaurant

B. How many parking spaces of each type are provided for the proposed use:

9	Standard spaces
6	Compact spaces
1	Handicapped accessible spaces
0	Other

same total.

- C. Where is required parking located? (check one) ☒ **on-site** ☐ **off-site**

If the required parking will be located off-site, where will it be located?

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the **Parking Reduction Supplemental Application**.

14. Provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? one
- B. How many loading spaces are available for the use? temporary aisle space
- C. Where are off-street loading facilities located?
In parking aisle near rear door of carry out.
- D. During what hours of the day do you expect loading/unloading operations to occur?
10 am to 6 pm
- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
max. twice per day

15. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing entrances off Jefferson Davis Highway will be closed or modified to improve traffic flow.



APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?

Indoors: 44 Outdoors: 0 Total number proposed: 44

2. Will the restaurant offer any of the following?

Alcoholic beverages (SUP only)	<u> </u> Yes	<u>✓</u> No
Beer and wine — on-premises	<u> </u> Yes	<u>✓</u> No
Beer and wine — off-premises	<u> </u> Yes	<u>✓</u> No

3. Please describe the type of food that will be served:

Vegetarian Dishes, kebabs (chicken, beef), Rice
Ethnic Foods

4. The restaurant will offer the following service (check items that apply):

✓ table service bar ✓ carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? one

Will delivery drivers use their own vehicles? ✓ Yes No

Where will delivery vehicles be parked when not in use?

off-site

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

✓ Yes No

If yes, please describe:

only wall TV's

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
☐ 100%
☐ 75-99%
☒ 50-74%
☐ 1-49%
☐ No parking can be accommodated off-street

2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one) *Employees not allowed to park*
☒ All
☐ 75-99%
☐ 50-74%
☐ 1-49%
☐ None

3. What is the estimated peak evening impact upon neighborhoods? (check one)
☐ No parking impact predicted
☒ Less than 20 additional cars in neighborhood
☐ 20-40 additional cars
☐ More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:

44 Maximum number of patron dining seats
+ Maximum number of patron bar seats
+ Maximum number of standing patrons
= 44 Maximum number of patrons

2. 60 Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
☐ Closing by 8:00 PM
☐ Closing after 8:00 PM but by 10:00 PM
☐ Closing after 10:00 PM but by Midnight
☒ Closing after Midnight

4. Alcohol Consumption (check one)
☐ High ratio of alcohol to food
☐ Balance between alcohol and food
None Low ratio of alcohol to food



Docket Item #7

Development Special Use Permit #2010-0004
3100 Jefferson Davis Highway – Marino's Restaurant

Application	General Data	
Project Name: Marino's Restaurant	PC Hearing:	March 1, 2011
	CC Hearing:	March 12, 2011
	If approved, DSUP Expiration:	March 12, 2014 (3 years)
	Plan Acreage:	9,760 sq. ft. (0.224 acres)
Location: 3104 Jefferson Davis Highway.	Zone:	Commercial Service Low (CSL)
	Proposed Use:	Proposed two-story restaurant addition to the existing one-story restaurant.
	Dwelling Units:	Not applicable
	Floor Area Ratio:	Existing: 0.09, Proposed: 0.35
Applicant: Ather Subzwari	Small Area Plan:	Potomac West
	Historic District:	Not applicable
	Green Building:	Requesting Flexibility

Purpose of Application

The applicant requests approval of a development special use permit with site plan to construct an approximately 2,547 sq. ft. addition to the existing building and operate a second restaurant on the site.

Special Use Permits and Modifications Requested:

- Special Use Permit to operate two restaurants, continuation of one in the existing building and a new restaurant in the addition
- Modification to reduce the rear setback from 25 feet to six feet
- Modification to reduce the loading space requirement from one to zero

Staff Recommendation: APPROVAL WITH CONDITIONS

Staff Reviewer(s): Katye Parker (katye.parker@alexandriava.gov) & Jim Roberts (james.roberts@alexandriava.gov)

CITY COUNCIL ACTION, MARCH 12, 2011: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, MARCH 1, 2011: On a motion by Ms. Fossum, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 1.

Reason: The Planning Commission agreed with the staff analysis. Mr. Wagner supplemented his vote for approval with his assessment that whilst a planning study by the City for the west side of Route 1 was desirable, there were no grounds for denial of the application by the Planning Commission in the meantime. Ms. Lyman supplemented her approval with her assessment that the applicant had successfully worked to address many of the concerns raised by the community. Mr. Dunn dissented from the majority on the grounds of the size of the addition.

Speakers:

Mr. Joe Bondi, 122 Lynhaven Drive, spoke on behalf of the Lynhaven Citizens Association to affirm that in spite of several discussions about the proposal, the Association remained deeply divided and unable to offer a position either in support or recommending denial.

Ms. Sarah Haut, 228 E. Nelson Ave, spoke on behalf of the Del Ray Citizens Association to recommend denial. The Association urged the City to perform a planning study of the west side of Route 1 rather than approve development on a case by case basis. The Association had moved to a position of recommending denial following the absence of an overall position from the Lynhaven Citizen's Association. Ms. Haut clarified that the Del Ray Land Use Committee had also discussed the application and had concerns over the rear setback reduction and any possible precedent it may set.

Mr. Chris Lewis, 225 Lynhaven Drive, spoke in support of the application.

Mr. Eric Burgess, 305 Wesmond Drive, spoke in support of the application.

Mr. Sonny Abraham, 625 First Street, spoke in support of the application.

Mr. Raees Ansari, 3523 Wilson Avenue, spoke in support of the application.

Mr. Lee Janette, 5616 Bismach Drive, spoke in support of the application.

Mr. Nick Martinez, 412 Hume Avenue, spoke in support of the application.

Mr. Stephen Beyer, 103 E. Del Ray Avenue, spoke in support if the application.

Ms. Aileen Orlino, 4380 King Street, spoke in support if the application.

Mr. Victor Dinkjian, 9108 John Way, spoke in support if the application.

Mr. John Dinkjian, 9108 John Way, spoke in support if the application.

The applicant, Mr. Ather Subzwari, represented the application.



DSUP #2010-0004 3/1/2011



I. Summary

Requested Action

The Planning Commission and City Council are being asked to take action on the following requests:

- Development Special Use Permit, with Site Plan, to construct an approximately 2,547 sq. ft. addition to the existing 833 sq. ft. building. A Site Plan is required because the addition is more than 1/3 the size of the existing building;
- A Special Use Permit to operate two restaurants, continuation of one in the existing building and a new restaurant in the addition;
- A modification to Section 7-902 (A) to reduce the rear setback from 25 feet to six feet;
- A modification to Section 8-200(B)(1) to reduce the loading space requirement from one to zero.

Recommendation

Staff recommends approval with conditions of the development special use permit with site plan, to construct an addition to an existing building in the Commercial Service Low (CSL) zone. The proposed use is suitable for this location. The addition is compatible with the height, massing, scale, and design of the existing structure and the context of the neighborhood.

Significant topics that will be covered in this report include:

- Approval of an SUP for a new restaurant. The restaurant use diversifies and energizes this location on Jefferson Davis Highway and provides an amenity for the community.
- Increased FAR. The increase in square footage on the site is compatible with the character of the area and the massing of the proposed addition, and remains below the maximum permitted FAR.
- Parking and circulation. The parking and circulation arrangement allows for the closing of two curb cuts on Jefferson Davis Highway. Sufficient parking is provided for the existing and proposed restaurant uses. No parking reduction is requested.
- Landscape design. A landscape area is provided along the front of the building – which is an improvement to the streetscape along Jefferson Davis Highway - and landscape screening is provided at the rear of the building, along the boundary with residential properties.
- Green Building Policy flexibility. The nature of the proposal qualifies for a request for flexibility to incorporate green building techniques without achieving LEED Silver certification.
- Operating hours. The new restaurant operating hours will closely follow those of the existing to remain carry-out restaurant, with the one exception being an earlier closing time on Friday and Saturday nights (1 am rather than 2am). The existing carry-out restaurant will continue to operate its existing hours.

II. BACKGROUND

Site Context

The subject property is one lot of record located on the southbound side of Jefferson Davis Highway between the intersection of Wesmond Drive to the south (an intersection closed to vehicular through-traffic) and a public alley to the north. Abutting the site to the west are residential properties of Wesmond Drive. Across the public alley to the north, there is a Shell gas station. Across Wesmond Drive, to the south, is the former Inturias Auto Service. A Target store and associated parking lot, part of the Potomac Yard development, is located directly across Jefferson Davis Highway to the east.

The existing building is located in the center of the site, with an outdoor seating area to the north. Most of the property is paved and parking is provided on both sides of the building as well as in front. There are currently four access points to the property: two via the existing curb cuts from Jefferson Davis Highway, one from the alley to the north, and one at the southern end of the site from the portion of Wesmond Drive that still connects to Jefferson Davis Highway. There is no direct vehicular access to the site from the residential portion of Wesmond Drive.

History

A restaurant without seats has operated in this location as early as August 1963 when it was known as the Weenie Beenie Carry Out. In 1984, City Council granted Special Use Permit #1674 allowing an expansion of the restaurant to the building that exists today. The restaurant has changed hands over the years, and the most recent change of ownership approval was granted by the Director of Planning and Zoning in 1994 that allowed Zafar Ali Subzwari to operate the restaurant (SUP #1674-C). In 2001, the owner obtained approval (SUP 2001-0068) to add twelve outdoor seats to the site.

Project Description

The applicant is proposing a two-story, approximately 2,547 sq. ft. addition to the north of the existing one-story building. The existing outdoor seating area and trash enclosure will be demolished to accommodate the new floor plan. The addition will function as a new and separate restaurant from the existing carry-out pizza service, with a different name, address and menu. The new restaurant intends to serve meals from a counter on the first floor. Meals may either be carried out, or eaten on the premises. A total of 44 seats will be provided primarily on the second floor (with some accessible seating on the first floor). The new restaurant will operate from a new and separate kitchen on the first floor. The existing carry-out will continue to operate as at present. Meals from the existing carry-out will not be permitted to be consumed in the seating area for the new restaurant.

The existing parking lot will be reconfigured to accommodate the addition and the new parking requirements. Two existing access points will continue to be used: the first off the public alley to the north, and the second from the end of Wesmond Drive. Two existing curb cuts directly along Jefferson Davis Highway will be closed and a landscape area installed along the frontage of the

building. This effectively creates two separate parking lots to the north and south of the buildings.

III. ZONING

The Commercial Service Low Zone (CSL) is “intended to provide for light service and industrial uses compatible in operations and character with nearby residential neighborhoods” (Section 4-301). The provisions of this zone encourage commercial uses conducted at a scale and intensity commensurate with nearby residences, with operations that are not detrimental or a nuisance to residents.

Section 4-303(Y) of the Zoning Ordinance requires approval of a special use permit for any restaurant in the CSL Zone not located within a shopping center or hotel. There is an existing approved SUP on the property for the operation of a restaurant use (SUP2001-0068) that the current carry-out restaurant operates under. The current SUP application would supersede the existing SUP and would apply to both the existing and new restaurants.

Table 1. Zoning Tabulations

Property Address:	3100 Jefferson Davis Highway		
Total Site Area:	9,760 sq. ft.		
Zone:	Commercial Service Low Zone (CSL)		
Current Use:	Restaurant (Carry-out with outdoor dining)		
Proposed Use:	One-story carry-out restaurant and a two-story seated / carry-out restaurant		
	Permitted/Required	Existing	Proposed
Floor Area	4,880 sq. ft.	833 sq. ft.	3,290 sq. ft.
FAR	Nonresidential: 0.5	0.09	0.35
Setbacks			
Front	N/A	N/A	N/A
Side	N/A	N/A	N/A
Rear	25 ft. per zone transition Section 7-902 (A)	6 ft.	6 ft.
Open Space	N/A	N/A	N/A
Building Height	50 feet	16'-7" feet	24'-0" feet
Parking			
Standard	0	4	8
Compact	0	9	7
Accessible	1	1	1
Total	16	14	16
Loading Space	1	0	0

IV. STAFF ANALYSIS

Special Use Permit for Restaurant Use

The proposed use is compatible with nearby uses both within the Commercial Service Low zone and as an adjacent use to a residential neighborhood. A restaurant has operated on the site for almost 50 years and under current proprietorship for 16 years.

Staff concludes that there is a good case for an additional restaurant on the site which serves both carry-out and sit-down meals. The site's close proximity to a residential neighborhood means the restaurant will provide food service for local residents: not only offering an extended menu beyond the currently available pizza takeaway, but also offering a seated venue. The location on Jefferson Davis Highway also makes it a suitable site for food service to passing traffic, especially as an already established carry-out restaurant. The expansion of restaurant services on Jefferson Davis Highway is considered a beneficial diversification to the predominant auto industry land use along this heavily trafficked corridor.

There are several different issues of concerns regarding the use proposed in this application, which staff has explored and analyzed:

1) The Hours of Operations

The application requests the following opening hours for the new restaurant:

10:00am – 1:00am Monday - Saturday
11:00am – 11:00pm Sunday

The application requests to maintain the following opening hours for the existing carry-out:

10:00am – 1:00am Monday – Thursday
10:00am – 2:00am Friday and Saturday
11:00am – 11:00pm Sunday

The hours of operation for the existing carry-out operation remain unchanged, with the same closing hours as approved in the previous SUP (2001-0068).

For the new restaurant, very similar hours are proposed, with the exception of slightly earlier closing on Friday and Saturday nights (1am instead of 2am). This earlier closing was proposed by the applicant in light of concerns from some in the community, and at the request of staff. Community concern with operating hours is discussed further in the Community section below. A previous SUP for the site (SUP #1674-A, 1990) indicates that prior to that date, a closing time of 4am had been approved. Over the years, the closing time has been earlier. At the previous SUP approval in 2001, staff recommended a closing time no later than 1am. The Planning Commission allowed for the 2am closing time for the following reasons:

“The Planning Commission agreed with the staff analysis but believed the restaurant could be open later in the evening given its unique circumstances. The Commission changed Condition #2 to allow the applicant to be open until 2:00 A.M. on Fridays and Saturdays given

that (a) the restaurant has no liquor license, (b) there are no tables indoors and the extended hours apply only to carry-out service, (c) the extended hours do not apply to the outdoor seating, (d) there have been no complaints over the years the applicant has remained open late and he has a history of being a good neighbor, and (e) as a carry-out, without seating, the closing hour is not extended for an additional hour."

Since this business will now include an indoor seating area, staff supports having the hours for that portion of the restaurant operation end at 1 am on Fridays and Saturdays. This appears to be consistent with the Planning Commission's comments in 2001. The current hours of operation for the carry-out operation (with the extra hour on Fridays and Saturdays) have been successfully in place for nearly a decade and staff does not recommend changing these hours.

2) The Impact of Litter

The increase from one to two restaurants which offer carry-out food has the potential to increase litter on site and in the surrounding area. Although conditions of both the proposed SUP and the existing SUP call for litter to be picked up regularly within a 75ft perimeter of the site, the local community has expressed a concern about the amount of litter. Staff has visited the site and surroundings and concurs that litter is a local problem, although it must be noted that no litter with the Marino's logo or brand was in evidence, and that the Marino's site itself was clear of litter. Littering beyond the 75ft perimeter that the applicant is responsible for clearing (as reported by some in the local community) is a difficult issue to control. An additional condition of this DSUP is that the applicant must provide a City trash can within the right-of-way. This can will be maintained by the City and may encourage a reduction in littering.

3) Parking

The applicant is able to meet the City's parking requirement using on-site parking. This requirement is 16 spaces in total, by applying the following calculation. The current carry-out business' SUP states that five spaces 'should be provided' as a minimum. Staff recommends that this proviso be carried forward as the existing business will continue to operate. The parking requirement for the additional business is based on a ratio of one space for every four restaurant seats, per Section 8-200 (8). With 44 seats proposed, this equates to 11 new parking spaces required for a total of 16 parking spaces.

Parking is a concern for some members of the local community, mainly related to the potential for parking on surrounding neighborhood streets by patrons or employees of the businesses. In response, the applicant significantly reduced the number of proposed seats in the new restaurant from 72 to 44, which meant that all parking could be provided on-site and no parking reduction is needed.

4) Number of Seats

The applicant originally proposed 72 seats for the new restaurant. This had implications on the amount of parking for the use as well as the number of people coming to the site. This concern was raised by the community and in response, the applicant agreed to reduce the number of seats to 44.

5) Alcohol and Live Entertainment

As with the existing carry-out, the applicant is not proposing any alcohol service or live entertainment for the new restaurant. This should help keep the number of late night patrons to a minimum.

6) SUP violations and crime prevention

A study of previous SUP violations indicates that the applicant was in violation of SUP conditions on two separate occasions in 2003 as cited by City zoning inspectors. These violations were identified and resolved. Staff believes this does not amount to a pattern of violations over the recent period of business operation.

In terms of crime prevention, the applicant must meet conditions set by the Alexandria Police Department, notably by providing a site lighting plan, additional security measures and staff training. These conditions will be implemented during the Final Site Plan process.

Site and Building Design

Several changes are envisaged to the site layout that will be a positive improvement to the property. The existing site's coverage with a continuous parking lot will be altered so that two smaller areas dedicated to parking are formed. By utilizing a more organized site layout, additional parking spaces will be provided.

Overall, the existing impervious surface of the parking lot is proposed to be reduced. In its place, a landscape area directly in front of the building's front façade will be installed, together with a landscape strip along the property's frontage on Jefferson Davis Highway. These landscape areas are intended to offer robust ornamental planting together with site drainage assistance. Additionally, tall evergreen planting is proposed to the rear of the building, helping to provide a screen to the abutting residential neighborhood.

Vehicular access to the site will continue from the north via the existing access point at the northern public alley. From the south, access will continue via the southern curb cut onto the end of Wesmond Drive which was physically separated from the rest of Wesmond Drive when the street was dead-ended. The two curb cuts from Jefferson Davis Highway will be eliminated and a continuous sidewalk will be provided along the street frontage.

The building addition proposed is a simple two story structure which mirrors many of the architectural details and form of the existing carry-out: with a flat roof, a combination of brick and stucco facades, simple canopies and fenestration of similar scale to the existing building.

Staff believes the applicant has successfully chosen to complement the existing structure. The changes to the site layout, most notably the replacement of parking lot with landscape areas, are considered to represent an improvement on existing conditions.

Modification to reduce the rear setback

The applicant is seeking a modification to the rear setback requirement. Under Section 7-902 (A), no commercial building “shall be located within a distance from the nearest residential zone line equal to the height of such commercial building or 25 feet, whichever is greater”. The proposed building measures 24 feet in height, therefore a 25 foot rear setback would typically be required for this property.

The existing building has a rear setback of just six feet. The addition proposes a rear wall in alignment with the existing rear wall and an identical six foot setback from the rear property line. The proposal includes a screen of evergreen planting along the rear property line which will supplement the separation between the subject property and the abutting residential neighbor.

Staff supports the reduction in rear setback requirement for the following reasons. Firstly, the rear wall of the addition follows that of the existing building, and staff is not aware of any problematic issues with the existing condition. Secondly, the addition will replace the outdoor dining area that is currently in this location, which will minimize the amount of noise from the site by enclosing all seating. Additionally, the rear elevation for the addition does not include any windows and there is only a ground level door for employees to use to access the trash area on the side of the building. This will minimize the amount of light spillover across property lines as well as noise, since patrons will use the main entrance at the front of the building.

Furthermore, the installation of an evergreen screen along the rear property line will help mitigate the proposed addition. In the long term, additional screening may be an improvement over the present condition of solely a wooden fence separation of the property from its rear neighbor. Finally, given the narrowness of the site (approximately 77 feet at the widest point), a 25 foot setback would have severe limitations for any new structure. Staff recognizes that the proposed addition is fairly modest in size considering that it is well below the maximum FAR and height for the CSL zone and is proposed in a location to maximize the efficiency of the parking layout while being compatible in design with the existing building.

Modification to reduce the loading space requirement from one to zero

The applicant is seeking a reduction in the requirement to provide one loading space. Under Section 8-200(B)(1), uses that involve “the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained adequate off-street space for standing, loading and unloading purposes”. This provision applies to buildings containing more than 2,500 sq. ft. of floor, which is triggered by the addition to the building.

The applicant has advised staff that unloading of deliveries to the restaurants is likely to happen during daytime hours when the lot is likely to be largely free of parked vehicles.

Staff, including representatives from T&ES, concurs with the applicant's assessment that unloading will not require a dedicated loading space, with the general parking area being sufficient to accommodate the size of delivery vehicle typical for small scale restaurants. A condition has been included that prohibits any loading activities in the alley or on public streets.

Green Building Request for Flexibility

The applicant is seeking flexibility from the City's Green Building Policy, which was adopted in April of 2009. This policy outlines the City standard to have newly constructed non-residential buildings achieve a Silver Certification in Leadership in Energy and Environmental Design (LEED) from the United States Green Building Council (USGBC). However, the policy also allows flexibility or exemption for small additions. Specifically it states,

“The types and scale of developments within each category vary greatly...certain building types (for example, medical, hotel, industry, affordable housing, historic buildings, churches, redevelopment of small retail or restaurant establishments, and renovations or small additions to existing buildings) may require a more flexible approach.” (Green Building Policy, 2009)

This project meets the criteria for flexibility in that it involves an addition rather than a completely new building. In addition, the applicant has requested flexibility with the City's Green Building Policy due to the financial feasibility of applying for LEED Silver certification.

Staff is convinced that this case qualifies for a more flexible approach for several reasons. First, it meets a number of the criteria for flexibility laid out in the Green Building Policy, it involves a small addition to an existing building. Secondly, since the project is of a modest size and scope, the requirement of attaining LEED Silver certification would, in all likelihood, present a significant financial hurdle. Finally, though staff is recommending flexibility in regard to the LEED Silver goal, the City's environmental priorities of enhancing energy efficiency, reducing stormwater runoff, and increasing water conservation will be met in large part through staff's recommendations about specific building and project elements.

In lieu of the LEED Silver requirement, staff recommends the applicant incorporate a myriad of environmentally responsible techniques. These components include incorporating water fixtures certified by the Environmental Protection Agency (EPA) to reduce municipal wastewater, potentially treating stormwater runoff on-site, and continuing to work with staff to incorporate green building design elements at the final site plan stage.

V. COMMUNITY

Staff discussed the proposal with the local community groups of Del Ray Citizens Association (DRCA) and the Lynhaven Citizens Association (LCA) on multiple occasions. There is a mixed opinion of support and opposition for this proposal from members of the groups.

In terms of support, several members of the local community voiced a favorable view of Marino's current business and were approving of the expanded restaurant space and menu as a diversification of the local area's food service. There was also some support for a small business owner being able to expand their business within the City.

In terms of opposition, several members of the community voiced concerns about intensification of use on the site with impacts from noise, parking and littering by patrons. To some degree, the

applicant's reduction in proposed seat numbers from 72 to 44 mitigated concerns for parking (which can be accommodated entirely on site). However, the seat reduction did not totally alleviate concerns from some members of the community that intensified use would have some negative impacts on neighborhood parking.

The local community also expressed concern over the operating hours. While there was some support for availability of food at a time when most other restaurants were closed, many community members were against the late opening hours. Although the existing carry-out business operates until 1am or 2am Monday – Saturday, a significant number of local residents voiced concern over an intensification of those hours, particularly in a sit-down restaurant which immediately abuts residential properties. The fact that alcohol would not be provided at either restaurant was positive, but did not alleviate the concern about the hours. In response to these concerns, the applicant agreed to limit the hours of the new restaurant to 1am (from 2am) on Friday and Saturday nights.

Further concern expressed by the local community involved the proposed reduction in setback being requested by the applicant, particularly in close proximity to the abutting residential property to the rear. And a related concern was expressed about potential spill from any additional lighting which is required on the building or in the parking lot.

Given the concerns expressed by the community, the applicant agreed to defer his application from the February hearings until March in an effort to meet again with the community to discuss some of the major issues. While consensus was not reached on all issues, some concessions were made by the applicant, in particular a reduction in the number of seats and a reduction in the operating hours on Friday and Saturday, in response to the comments heard from the community.

Lynhaven Citizens Association

The site is located within the area covered by the LCA, and as such, represents the site's closest neighbors. Staff and the applicant met with the full Association at their January and February meetings. In between those meetings, a smaller sub-committee was formed of staff, the applicant, and a few Lynhaven residents to discuss some of the issues identified by the community. The main issues expressed by LCA related to adequate parking for the use, the number of seats in the new addition, litter generated by the use, and the hours of operation. There was a mixture of views both in opposition to the proposal, and in support, and as a result, this group was not able to wholly support or oppose the proposal

Del Ray Citizens Association

Although the site is not located within the DRCA boundaries, given the close proximity to Del Ray and the Association's interest in development along Route 1, staff and the applicant met with the Association's Land Use Committee in December and January. The main comments provided at the meetings dealt with creating a pedestrian friendly streetscape along Route 1 (i.e. providing adequate sidewalk width and appropriate plant material in the landscape strip), providing enough parking for the use, and the impact to the Lynhaven neighborhood.

DRCA voted on 14th February 2011 to oppose the development for the following reasons:

- 1) Absent a position offered by the Lynhaven CA, DRCA opted to provide its position
- 2) Piecemeal redevelopment of the west side of Route 1 should be discouraged until the City has a plan for the strip.
- 3) The divided parking that would require driving into Route 1 to access one half from the other. Safety was cited as the chief concern.
- 4) The reduction in rear setback requirement from 25' to 6'

Staff response to community concerns

Staff shares some of the concerns of the community with regards the operating hours, especially any intensified use in close proximity to residences at the late existing hours of operation. However, any potential nuisance caused by the intensified use, as with some of the other potential nuisances voiced by the community (littering, parking on neighboring streets, light spillage) have conditions which specifically address these issues, with the possibility of enforcement by the City should local problems arise. The benefits proposed by diversifying the use along Jefferson Davis Highway, additional food service for the local community and the aesthetic enhancements from the landscape areas along the property's frontage are all considered by staff to be of positive impact to the area.

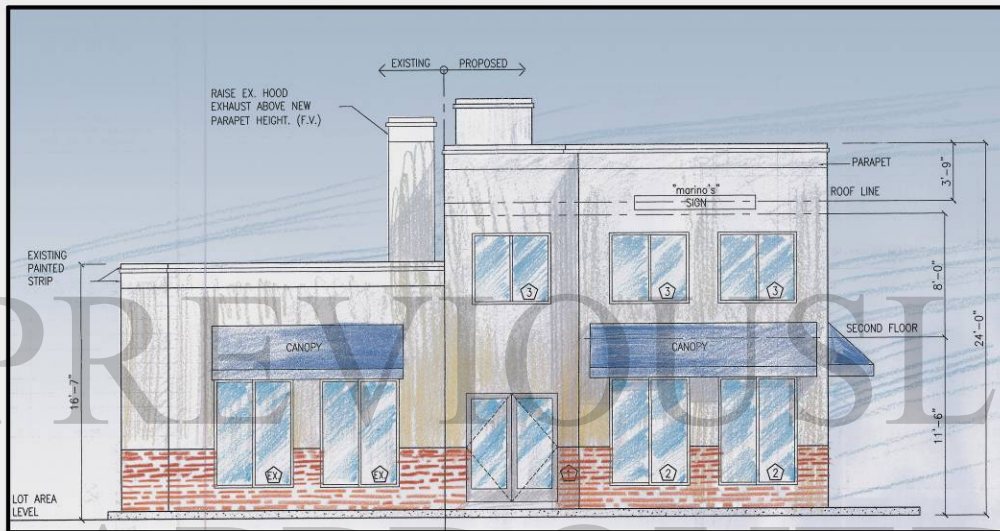
VI. CONCLUSION

Based on the compatibility of the use to the local area; and the diversified use with physical landscape enhancements afforded to Jefferson Davis Highway, staff recommends **approval** of the development special use permit with site plan to construct an addition to an existing building and the operation of two restaurants subject to compliance with all applicable codes and the following recommended conditions.

Staff: Faroll Hamer, Director of Planning and Zoning;
Gwen Wright, Division Chief, Development;
Katie Parker, Urban Planner; and
Jim Roberts, Urban Planner.

VII. GRAPHICS

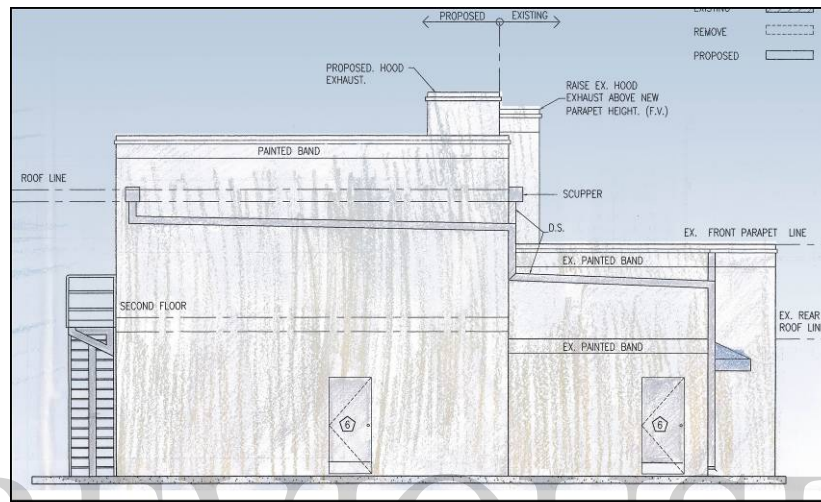
Elevations



Proposed Front Elevation

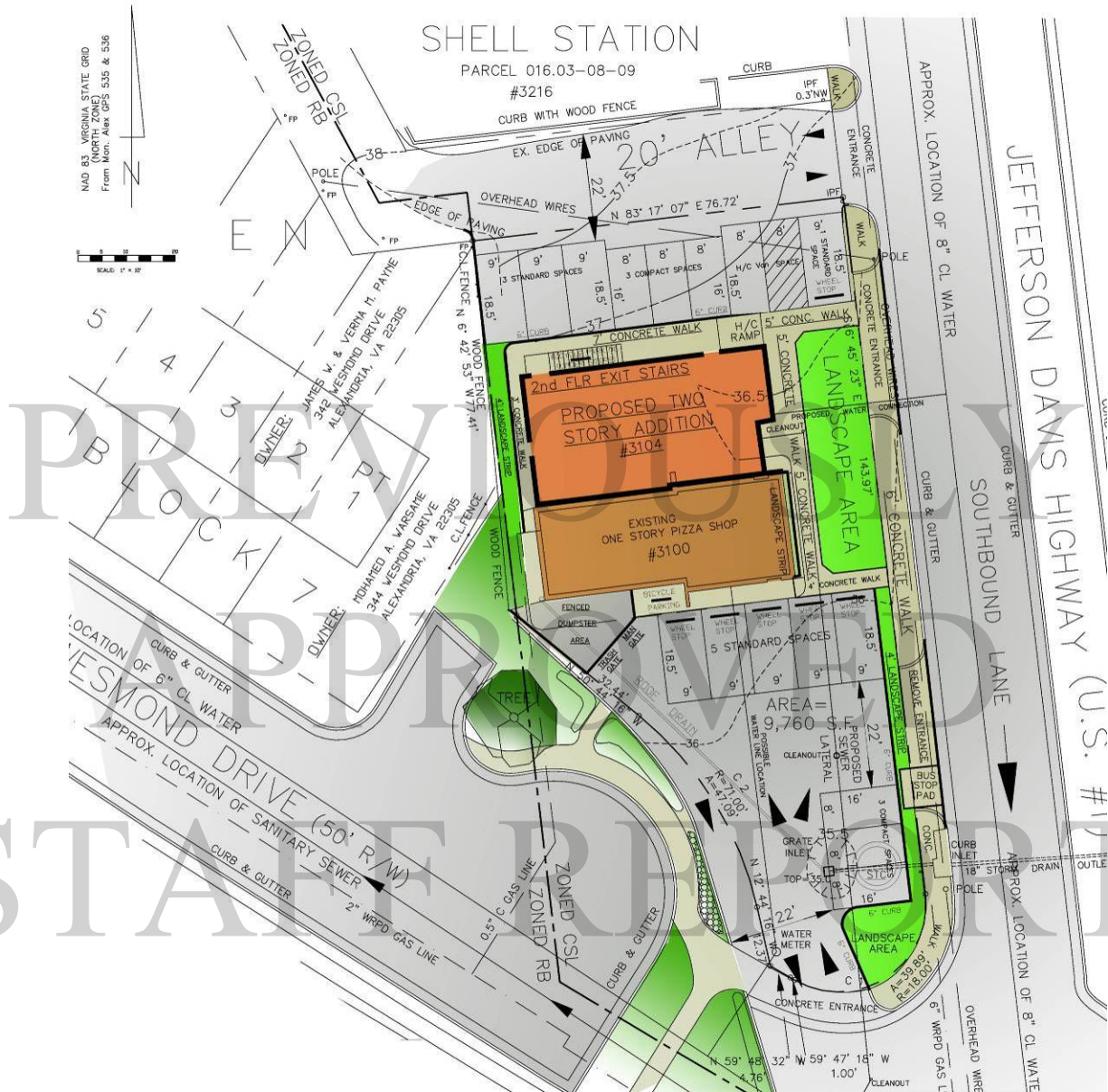


Proposed Side Elevation (from North)



Proposed Rear Elevation

Site plan



Plan as agreed with the City 24th January 2011

VIII. STAFF RECOMMENDATIONS:

1. The Final Site Plan shall be in substantial conformance with the preliminary plan dated November 15th 2010 (including supplemental information dated December 13th 2010, and the revised parking layout agreed with the City 24th January 2011 shown in Attachment #1) and comply with the following conditions of approval.

A. PEDESTRIAN/STREETSCAPE:

2. Provide the following pedestrian improvements to the satisfaction of the Directors of P&Z, RP&CA and T&ES:
 - a. Complete all pedestrian improvements prior to the issuance of a certificate of occupancy permit.
 - b. Install ADA accessible pedestrian crossings serving the site.
 - c. Construct all sidewalks to City standards. The minimum unobstructed width of newly constructed sidewalks along Route 1 shall be six feet, excluding areas of sidewalk with existing utility poles.
 - d. All newly constructed curb ramps in Alexandria shall be concrete with detectable warning and shall conform to VDOT standards as outlined in a City Memo to Industry (3/07) available on-line: <http://alexandriava.gov/tes/info/default.aspx?id=3522>
 - e. Remove the old telephone boxes at the corners of the property. (P&Z, RP&CA and T&ES)

B. OPEN SPACE/LANDSCAPING:

3. Develop, provide, install and maintain an integrated Landscape Plan with the final site plan that is coordinated with other associated site conditions to the satisfaction of the Directors of P&Z and RP&CA. At a minimum the Landscape Plan shall:
 - a. Provide an enhanced level of detail plantings throughout the site. Plantings shall include a simple mixture of seasonally variable, evergreen or deciduous shrubs, trees, groundcovers or perennials that are horticulturally acclimatized to the Mid-Atlantic and Washington, DC National Capital Region. Plantings shall be selected from low maintenance species appropriate to the site's urban conditions.
 - b. Ensure positive drainage in all planted areas.
 - c. Provide detail, section and plan drawings of tree and shrub planting beds showing proposed plantings and associated materials, accurate rootball sizes, irrigation (if applicable), adjacent curb/pavement construction, including edge restraint system, dimensions, drainage, and coordination with site utilities.
 - d. Provide planting plans and details for all proposed conditions including trees, shrubs, perennials, and groundcovers.
 - e. Indicate utilities and utility easements (in light or grayscale line weight)
 - f. Identify door swings/gate swings.
 - g. Indicate locations of off-site and on-site lighting, including street lighting

- h. Identify any street trees and natural vegetation to be retained; include locations, size and species of all trees 6" or greater in caliper.
 - i. Indicate the dimensions of areas to be landscaped (including within public right-of-ways), specifying the location, names, caliper, and size of proposed individual trees, shrubs, and ground cover plants (indicate initial height for trees and shrubs, initial width for shrubs, and initial spread for groundcover plants). (P&Z and RP&CA)
4. Provide the following modifications to the landscape plan and supporting drawings:
- a. Provide verification that the rear screen planting allows for access and circulation to rear doors.
 - b. Add fastigate tree, shrub and groundcover planting to the proposed landscape area east of the building's front façade (shown in Attachment #1). Consider rain garden or infiltration bed planting in addition to ornamental planting.
 - c. Add shrub or groundcover planting to the landscape area at the south of the site.
 - d. Substitute the planting material proposed for the eastern landscape strip for planting material with long-season visual interest and which is capable of low maintenance, road salt and drought conditions typical of the site's urban setting.
 - e. Depict tree protection on all grading plan and demolition plan sheets. Provide a minimum of 25% tree crown coverage of the site. See the City's Landscape Guidelines for more details. Provide a revised tabulation of required, existing and proposed crown coverage. (P&Z and RP&CA)
5. Provide a narrative water management plan developed installed and maintained to the satisfaction of the Directors of RP&CA and Code Administration.
- a. Provide an exhibit that demonstrates that all parts of the site can be accessed by a combination of building mounted hose bibs or other suitable irrigation.
 - b. Provide at least one accessible external hose bib for each 90 linear feet of building facade.
Hose bibs, ground set water connections and FDCs must be fully accessible and not blocked by plantings, site utilities or other obstructions.
(P&Z, RP&CA and Code)
6. The landscape elements of this development shall be subject to the Landscape and Performance Maintenance bonds, based on criteria established by the City and available through T&ES. Release of Landscape and Performance Maintenance Bonds are subject to inspections by City staff at completion of construction, and at periods of one year and three years after completion. (P&Z)
7. A certification letter for tree trenches and planting beds shall be provided by the project's Landscape Architect. The letter shall certify that the below grade construction is in compliance with approved drawings and specifications. The letter shall be submitted to the City and approved prior to release of Landscape and Performance bonds. (P&Z)

8. Prior to release of the Final Site Plan, the applicant shall provide a monetary contribution in lieu of required crown coverage to the City of Alexandria's Living Landscape Fund. Reference DSUP number and project name in correspondence. (P&Z and RP&CA)

C. TREE PROTECTION AND PRESERVATION:

9. A fine shall be paid by the applicant in an amount not to exceed \$10,000 for each tree that is destroyed and/or the City may request that replacement trees of similar caliper and species be provided for damaged trees if the approved tree protection methods have not been followed. The replacement trees shall be installed and if applicable the fine shall be paid prior to the issuance of the last certificate of occupancy permit. *** (P&Z and RP&CA)
10. The area of the limits of disturbance and clearing for the site shall be limited to the areas as generally depicted on the preliminary site plan dated 11/15/10 (revised as agreed with the City 24th January 2011) and reduced if possible to retain existing trees and grades. (P&Z and RP&CA)

D. BUILDING:

11. Provide the following building refinements to the satisfaction of the Director of P&Z:
 - a. building plans and elevations that accurately reflect existing and proposed conditions, including but not limited to: roofline hood exhausts, HVAC units, screening devices, exterior material finishes, signage, concrete walks, all door and gate swings. (P&Z)
12. Color architectural elevations shall be submitted during final site plan review.
13. Per the City's Green Building Policy adopted April 18, 2009, incorporate green building design elements at final site plan to the satisfaction of the Directors of P&Z, RP&CA and T&ES.* (P&Z, RP&CA and T&ES)
14. The applicant shall use EPA-labeled WaterSense fixtures to minimize the generation of municipal wastewater from the site and explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could possibly reduce the wastewater generation from this site. A list of applicable mechanisms can be found at [Http://www.epa.gov/WaterSense/pp/index.htm](http://www.epa.gov/WaterSense/pp/index.htm). (T&ES)

E. RESTAURANT USE:

15. 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 2001-0068)

16. The hours during which the business is open to the public shall be restricted to between:

For the existing carry-out

10:00 a.m. and 1:00 a.m. Monday through Thursday;
10:00 a.m. to 2:00 a.m. Friday and Saturday; and between
11:00 a.m. to 11:00 p.m. on Sunday.

For the new restaurant

10:00 a.m. to 1:00 a.m. Monday through Saturday;
11:00 a.m. to 11:00 p.m. on Sunday. (P&Z)

17. Meals ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and all patrons must leave by the closing hour. (P&Z)
18. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 2001-0068)
19. Interior seating shall be limited to a maximum of 44 seats. (P&Z)
20. Condition deleted.
21. 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. The applicant shall provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES)
23. 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 daily and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP 2001-0068)
24. No food, beverages, or other material shall be stored outside. (P&Z) (SUP 2001-0068)
25. At least two trash containers shall be located in the parking area for the use of patrons; the containers shall not be permitted to overflow, and the areas around them shall be kept clean. (P&Z) (SUP #2001-0068)
26. Trash and garbage shall be stored inside or in a dumpster.(P&Z) (SUP 2001-0068)
27. 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 2001-0068)

28. Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residue be washed onto the streets, alleys, sidewalks or storm sewers. (SUP 2001-0068)
29. Delivery service to customers shall be limited to a maximum of two delivery vehicles. (P&Z) (SUP 2001-0068)
30. No employees or delivery vehicles shall park on or load from Wesmond Drive, the public alley adjacent to the site, or any other public right of way. (P&Z) (SUP 2001-0068)
31. No live entertainment shall be provided at the restaurant. (P&Z) (SUP 2001-0068)
32. No alcohol sales are permitted. (P&Z) (SUP 2001-0068)
33. The use of loudspeakers or musicians outside of the restaurant shall be prohibited. (TES) (SUP 2001-0068)
34. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site to prevent them from becoming a nuisance to neighboring properties, as determined by the department of Transportation and Environment Services. (T&ES)
35. All disposable food or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z)
36. Condition deleted.
37. The applicant shall submit a final site plan for review and approval prior to construction activity. The plan shall include topographic information, show existing and proposed features, dimensions and details. The landscaping beds shall be constructed at, or below, grade in such a way as to capture stormwater runoff from the parking area. (P&Z) (T&ES)
38. The applicant shall replace the both driveway aprons located on Jefferson Davis Highway with city standard curb/gutter and sidewalk.
39. Provide \$1,150 per receptacle to the Director of T&ES for purchase and installation of one (1) receptacle; Iron Site Bethesda Series, Model SD-42 decorative black metal trash cans with domed lid by Victor Stanley. The receptacle shall be placed in the public right of way along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan.* (T&ES)
40. Condition deleted.
41. Condition deleted.

42. 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, (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) (SUP 2001-0068)
43. Condition deleted.
44. Condition deleted.

F. SIGNAGE:

45. Design business and identification signs to relate in material, color and scale to the building on which the sign is displayed to the satisfaction of the Director of P&Z.
 - a. The business and identification signs shall be designed of high quality materials and sign messages shall be limited to logos and names.
 - b. Installation of building mounted signage shall not damage the building and signage shall comply with all applicable codes and ordinances. (P&Z)
46. A freestanding sign shall be prohibited on or adjacent to the property. (P&Z)
47. Install a temporary informational sign on the site prior to the approval of the final site plan for the project. The sign shall be displayed until construction is complete or replaced with a contractor or real estate sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project.* (P&Z)(T&ES)

G. PARKING:

48. Provide a minimum of 2 bicycle parking space(s) per Alexandria's current Bicycle Parking Standards. Bicycle parking standards, acceptable rack types for short- and long-term parking and details for allowable locations are available at: www.alexandriava.gov/bicycleparking. (T&ES)
49. Provide sixteen parking spaces (including one handicap accessible space, van-sized) in the on-site parking lot per Attachment #1. (P&Z)
50. Show turning movements of standard vehicles in the parking lots. Show turning movements of the largest anticipated delivery vehicle and the delivery area and path through the site. Turning movements shall meet AASHTO vehicular guidelines and shall be to the satisfaction of the Director of T&ES. (T&ES)

51. All 90 degree vehicle parking spaces adjacent to a sidewalk less than seven feet shall have wheel stops. (T&ES)

H. BUS STOPS AND BUS SHELTERS:

52. The bus stop passenger loading pad and bus stop pole shall be relocated a minimum of five (5) feet north of the existing curb inlet and made ADA compliant. ADA compliance includes:

Install an unobstructed seven (7) foot wide, parallel to the roadway, by eight (8) foot wide, perpendicular to the curb, bus stop passenger loading pad. The loading pad shall be at the same grade as the sidewalk, connect the curb to the sidewalk, and the pad's surface material shall match the sidewalk. The existing width of the sidewalk may be counted towards the 8 foot wide perpendicular to the curb area. Passenger loading pads shall never be placed on storm drain inlets, catch basins, and other obstacles that would make the bus stop and bus stop loading pad inaccessible.

I. SITE PLAN:

53. Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within 36 months after initial approval and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after initial approval to update the City Council on the project status. (P&Z)
54. If new easements or dedications are required for this development, submit the plat of all applicable easements and/or dedications prior to the final site plan submission. The plat(s) shall be approved and recorded prior to the release of the final site plan.* (P&Z)
55. Coordinate location of site utilities with other site conditions to the satisfaction of the Directors of RP&CA, P&Z, and T&ES. These items include:
- a. Location of site utilities including above grade service openings and required clearances for items such as transformers, telephone, HVAC units and cable boxes.
 - b. Minimize conflicts with plantings, pedestrian areas and major view sheds.
 - c. Do not locate above grade utilities in dedicated open space areas. (RP&CA)(P&Z)(T&ES)
56. Provide a lighting plan with the final site plan to verify that lighting meets City standards. The plan shall be to the satisfaction of the Directors of T&ES, P&Z, and RP&CA in consultation with the Chief of Police and shall include the following:
- a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information.
 - b. A lighting schedule that identifies each type and number of all fixtures, mounting height, and strength of fixture in Lumens or Watts.

- c. Manufacturer's specifications and details for all proposed fixtures including site, landscape, pedestrian, sign(s) and security lighting.
 - d. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all adjacent streets and/or 20 feet beyond the property line on all adjacent properties and rights-of-way. Show existing and proposed street lights and site lights.
 - e. Photometric site lighting plan shall be coordinated with architectural/building mounted lights, site lighting, street trees and street lights to minimize light spill into adjacent residential areas.
 - f. Provide location of conduit routing between site lighting fixtures so as to avoid conflicts with street trees.
 - g. Detail information indicating proposed light pole and footing in relationship to adjacent grade or pavement. All light pole foundations shall be concealed from view.
 - h. The lighting for the areas not covered by the City of Alexandria' standards shall be designed to the satisfaction of Directors of T&ES and P&Z.
 - i. Provide numeric summary for various areas (i.e., roadway, walkway/ sidewalk, alley, and parking lot, etc.) in the proposed development.
 - j. Full cut-off lighting shall be used at the development site to prevent light spill onto adjacent properties. (P&Z)(T&ES)(RP&CA)(Police)
57. Provide the following on the cover sheet of the final submission:
- a. A list of all special use permits (SUPs); site plan approvals and zoning modifications or waivers being requested. For this application, the SUPs and modifications being requested should read:
 - Special Use Permits required:
 - restaurant SUP
 - Modifications required:
 - rear setback reduction to six feet
 - reduction in loading space.
 - b. A list of all existing special use permits; site plans and proffers that apply to all or part of the site. Make clear in the text that the existing SUP is for an existing restaurant, e.g. "SUP#2010-0068 (existing restaurant SUP)"
 - c. A revised index of drawings that correctly reflects the drawing order.
 - d. The actual proposed floor-area-ratios in addition to the text currently submitted, e.g. "Total xxx sq ft = x.x FAR".
(P&Z)
58. In the project narrative, amend the reference to the site disturbance to that shown on the drawings, i.e. the area of the existing restaurant will not be disturbed. Remove the reference to the sign being relocated to the SW island site. (P&Z)

59. Provide clarification/amend the Total Area of the Site Plan within the Area Calculations. Move all of the area calculations to the cover sheet and do not provide on multiple sheets. (P&Z)
60. On page S-2 the RB and CSL zones at the rear of the property are shown incorrectly. Revise to show correct zone titles. (P&Z)

J. CONSTRUCTION:

61. Submit a construction management plan for review and approval by the Directors of P&Z, T&ES and Code Administration prior to final site plan release. The plan shall:
 - a. Include a plan for temporary pedestrian and vehicular circulation;
 - b. Include the overall schedule for construction and the hauling route;
 - c. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work;
 - d. If the plan is found to be violated during the course of construction, citations will be issued for each infraction and a correction notice will be forwarded to the applicant. If the violation is not corrected within five (5) calendar days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)(Code)
62. Provide off-street parking for all construction workers without charge to the construction workers. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be a component of the construction management plan, which shall be submitted to the Department of P&Z and T&ES prior to final site plan release. This plan shall:
 - a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.
 - b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
 - c. If the plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within five (5) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)
63. The sidewalks shall remain open during construction or pedestrian access shall be maintained to the satisfaction of the Director of T&ES throughout the construction of the project. (T&ES)
64. No major construction staging shall be allowed within the public right-of-way on Route 1 (Jefferson Davis Highway). The applicant shall meet with T&ES to discuss construction

staging activities prior to release of any permits for ground disturbing activities. **
(T&ES)

65. A "Certified Land Disturber" (CLD) shall be named in a letter to the Division Chief of Construction & Inspection prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES)
66. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners and civic associations to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)(T&ES)
67. Identify a person who will serve as a liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (P&Z)(RP&CA)(T&ES)
68. Implement a waste and refuse control program during the construction phase of this development. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of T&ES and Code Administration. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)
69. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)

K. STORMWATER:

70. Demonstrate the availability of a storm sewer adequate outfall in compliance with the requirements of Virginia Department of Conservation and Recreation (DCR), Erosion and Sediment Control (ESC) Regulations (4VAC50-30-40.19) Minimum Standard 19 (MS-19), Article XI Section 11-410 (N) of the Alexandria Zoning Ordinance (AZO). (T&ES)

L. STREETS / TRAFFIC:

71. If the City's existing public infrastructure is damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. (T&ES)
72. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction and Inspection staff to document existing conditions prior to any land disturbing activities. (T&ES)
73. Submit a Traffic Control Plan as part of the final site plan, for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging shall be provided for informational purposes. In addition, the Traffic Control Plan, shall be amended as necessary and submitted to the Director of T&ES along with the Building and other Permit Applications as required. The Final Site Plan shall include a statement "FOR INFORMATION ONLY" on the Traffic Control Plan Sheets. (T&ES)
74. All Work Zone Traffic Control plans shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)

M. UTILITIES:

75. Locate all private utilities outside of the public right-of-way and public utility easements. (T&ES)

N. SOILS:

76. Provide a geotechnical report. (T&ES)

O. WATERSHED, WETLANDS, & RPAs:

77. The project site lies within Four Mile Run Watershed thus stormwater quantity controls shall be designed to demonstrate that post development stormwater runoff does not exceed the existing runoff quantities for the 2-year, 10-year, and 100-year storm events. (T&ES)
78. The storm water collection system is located within the Four Mile Run watershed. All on-site storm water curb inlets and public curb inlets within 50 feet of the property line shall be duly marked using standard City markers, or to the satisfaction of the Director of T&ES. (T&ES)

P. BMP FACILITIES:

79. The City of Alexandria's storm water management regulations regarding water quality are two-fold: first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorus requirement does not relieve the applicant from the water quality volume requirement. The water quality volume determined by the site's proposed impervious area shall be treated in a Best Management Practice (BMP) facility. (T&ES)
80. Provide BMP narrative and complete pre and post development drainage maps that include areas outside that contribute surface runoff from beyond project boundaries to include adequate topographic information, locations of existing and proposed storm drainage systems affected by the development, all proposed BMPs and a completed Worksheet A or B and Worksheet C, as applicable. (T&ES)
81. The storm water Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
- a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. **** (T&ES)
82. Submit two originals of the storm water quality BMP Maintenance Agreement with the City to be reviewed as part of the Final #2 Plan. The agreement must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan.* (T&ES)
83. The Applicant/Owner shall be responsible for installing and maintaining storm water Best Management Practices (BMPs). The Applicant/Owner shall execute a maintenance service contract with a qualified private contractor for a minimum of three years and develop an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the maintenance contract shall be submitted to the City. ****(T&ES)
84. Submit a copy of the Operation and Maintenance Manual to the Office of Environmental Quality on digital media prior to release of the performance bond. ****(T&ES)

85. Prior to release of the performance bond, the Applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that any existing storm water management facilities adjacent to the project and associated conveyance systems were not adversely affected by construction operations. If maintenance of the facility or systems were required in order to make this certification, provide a description of the maintenance measures performed. ****(T&ES)

Q. CONTAMINATED LAND:

86. Indicate whether or not there is any known soil and groundwater contamination present as required with all preliminary submissions. Should any unanticipated contamination, underground storage tanks, drums or containers be encountered at the site, the Applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Office of Environmental Quality. (T&ES)

R. NOISE:

87. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)

S. ARCHAEOLOGY:

88. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
89. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

CITY DEPARTMENT CODE COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F – Finding

Transportation and Environmental Services

- F - 1. The BMP shall be sized to accommodate any off-site area directed to it. However, the phosphorus removal worksheets shall be completed using on-site areas only. (OEQ)
- F - 2. The concept plan meets the phosphorus removal requirement of a 14% reduction by treating 100% of the site's impervious area with a hydrodynamic device which has an efficiency of 15%. The applicant is reminded that any reduction to the amount of impervious area captured will require a BMP with a higher efficiency. (OEQ)
- F - 3. The plan shall show sanitary and storm sewer, and water line in plan and profile in the first final submission and cross reference the sheets on which the plan and profile is shown, if plan and profile is not shown on the same sheet. Clearly label the sanitary and storm sewer, or water line plans and profiles. Provide existing and proposed grade elevations along with the rim and invert elevations of all the existing and proposed sanitary and storm sewer at manholes, and water line piping at gate wells on the respective profiles. Use distinctive stationing for various sanitary and storm sewers (if applicable or required by the plan), and water line in plan and use the corresponding stationing in respective profiles. (T&ES)
- F - 4. The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F - 5. Include all symbols, abbreviations, and line types in the legend. (T&ES)
- F - 6. Show the drainage divide areas on the grading plan or on a sheet showing reasonable information on topography along with the structures where each sub-area drains. (T&ES)
- F - 7. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F - 8. All the existing and proposed public and private utilities and easements shall be shown on the plan and a descriptive narration of various utilities shall be provided. (T&ES)
- F - 9. The Traffic Control Plan shall replicate the existing vehicular and pedestrian routes as nearly as practical and the pedestrian pathway shall not be severed or moved for non-construction activities such as parking for vehicles or the storage of materials or equipment. Proposed traffic control plans shall provide continual, safe and accessible pedestrian pathways for the duration of the project. (T&ES)
- C - 1 Per the requirements of the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a drainage study and adequate outfall analysis for the total

drainage area to the receiving sewer that serves the site. If the existing storm system is determined to be inadequate then the applicant shall design and build on-site or off-site improvements to discharge to an adequate outfall; even if the post development storm water flow from the site is reduced from the pre-development flow. The Plan shall demonstrate to the satisfaction of the Director of T&ES that a non-erosive stormwater outfall is present. (T&ES)

- C - 2 Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan so that from the site, the post-development peak runoff rate from a two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. If the project site lies within the Braddock-West watershed then the applicant shall provide an additional 10% storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)
- C - 3 Per the requirements of Article 13-113 (d) of the AZO, all stormwater designs that require analysis of pressure hydraulic systems, including but not limited to the design of flow control structures and storm water flow conveyance systems shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. The design of storm sewer shall include the adequate outfall, inlet, and hydraulic grade line (HGL) analyses that shall be completed to the satisfaction of the Director of T&ES. Provide appropriate reference and/or source used to complete these analyses. (T&ES)
- C - 4 Location of customer utility services and installation of transmission, distribution and main lines in the public rights of way by any public service company shall be governed by franchise agreement with the City in accordance with Title 5, Chapter 3, Section 5-3-2 and Section 5-3-3, respectively. The transformers, switch gears, and boxes shall be located outside of the public right of way. (T&ES)
- C - 5 (a) Per the requirements of Section 5-3-2, Article A, Chapter 3 of the City of Alexandria Code, all new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971 be installed below the surface of the ground except otherwise exempted by the City Code and to the satisfaction of the Director, Department of Transportation and Environmental Services. (b) Per the requirements of Section 5-3-3, Article A, Chapter 3 of the City of Alexandria Code, all new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains, and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways except otherwise exempted by the City Code and to the satisfaction of Director, Department of Transportation and Environmental Services. (T&ES)

- C - 6 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to the industry on Downspouts, Foundation Drains, and Sump Pumps, Dated June 18, 2004 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be piped to the storm sewer outfall, where applicable after treating for water quality as per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). (T&ES)
- C - 7 In compliance with the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a sanitary sewer adequate outfall analysis as per the requirements of Memorandum to Industry No. 02-07 New Sanitary Sewer Connection and Adequate Outfall Analysis dated June 1, 2007. (T&ES)
- C - 8 Per the requirements of Title 4, Chapter 2, Article B, Section 4-2-21, Appendix A, Section A 106(6), Figure A 106.1 Minimum Standards for Emergency Vehicle Access: provide a total turning radius of 25 feet to the satisfaction of Directors of T&ES and Office of Building and Fire Code Administration and show turning movements of standard vehicles in the parking lot as per the latest AASHTO vehicular guidelines. (T&ES)
- C - 9 Americans with Disability Act (ADA) ramps shall comply with the requirements of Memorandum to Industry No. 03-07 on Accessible Curb Ramps dated August 2, 2007 with truncated domes on the end of the ramp with contrasting color from the rest of the ramp. A copy of this Memorandum is available on the City of Alexandria website. (T&ES)
- C - 10 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The plan shall show the turning movements of a trash truck and the trash truck shall not back up to collect trash. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- C - 11 The applicant shall be responsible to deliver the solid waste, as defined by the City Charter and Code of the City of Alexandria, to the Covanta Energy Waste Facility located at 5301 Eisenhower Avenue. A note to that effect shall be included on the plan. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
- C - 12 The applicants will be required to submit a Recycling Implementation Plan form to the Solid Waste Division, as outlined in Article H to Title 5 (Ordinance Number 4438), which requires all commercial properties to recycle.
- C - 13 Bond for the public improvements must be posted prior to release of the site plan.*

- C - 14 The sewer tap fee must be paid prior to release of the site plan.*
- C - 15 Plans and profiles of utilities and roads in public easements and/or public Right of Way must be approved prior to release of the plan.*
- C - 16 Provide a phased erosion and sediment control plan consistent with grading and construction plan.
- C - 17 Per the Memorandum to Industry, dated July 20, 2005, the applicant is advised regarding a requirement that applicants provide as-built sewer data as part of the final as-built process. Upon consultation with engineering firms, it has been determined that initial site survey work and plans will need to be prepared using Virginia State Plane (North Zone) coordinates based on NAD 83 and NAVD 88. Control points/Benchmarks which were used to establish these coordinates should be referenced on the plans. To insure that this requirement is achieved, the applicant is requested to prepare plans in this format including initial site survey work if necessary.
- C - 18 All pedestrian, traffic, and way finding signage shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES. (T&ES)
- C - 19 All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C - 20 All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C - 21 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. (T&ES)
- C - 22 The applicant shall comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for stormwater pollutant load reduction, treatment of the water quality volume default and stormwater quantity management. (T&ES)
- C - 23 The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)
- C - 24 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources shall be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a VSMP permit for land disturbing activities greater than 2500 SF. * (T&ES)

Code Administration:

- C - 1 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Six 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 - 2 The "building data" on the cover sheet is incorrect. The applicable codes used will be the 2006 edition of the Virginia Construction Code that includes the 2006 edition of the ICC Building, Mechanical, Plumbing, and Fire Codes as amended
- C - 3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C - 4 A soils report must be submitted with the building permit application.
- C - 5 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.
- C - 6 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 - 7 Guardrail structural design and construction must comply with USBC.
- C - 8 Guardrail height and openings must comply with USBC 1012.2 and 1012.3.
- C - 9 Handrails must comply with USBC 1009.10.
- C - 10 Two means of egress are required from each level of the restaurant (USBC 1018.1).
- C - 11 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 (USBC 904: M-507.1).
 - (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 cannot discharge to the building drainage system through a grease interceptor (USBC 2801).
- C - 12 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 - 13 A seating/table layout (indoor and/or outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C - 14 Sufficient toilet rooms must be provided to accommodate the total occupancy load for restaurant staff and the combined indoor and/or outdoor patron seating capacity (USBC 2902.1).
- C - 15 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C - 16 Roof drainage must not run toward adjacent property. If the footprint area of the addition: (1) exceeds the footprint area of the existing structure, or (2) the roof drainage of the existing structure is hard piped, or (3) the roof drainage from the addition will cause erosion or damage to an adjacent property, then run-off water must be hard piped (schedule 40 PVC pipe; ≥ 3 " in diameter) to the storm, sewer, inlet box, building sub drain, street flume or curb.
- C - 17 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C - 18 Wall letters / signs must comply with USBC [H103-H111] Please indicate the method to be used for anchoring the letters to the wall.
- C - 19 Projecting, hanging signs must comply with USBC [H103-H107, H112] for type of materials, maximum projection, vertical clearance below all parts of the sign, and additional loads.
- C - 20 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration (USBC 3105.3).
- C - 21 Canopies must comply with USBC 3202.3.1 for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. Structural designs of fabric covered canopies must comply with USBC 3105.3. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk and the clearance between the covering or valance and the sidewalk must not be less than 7 feet.
- C - 22 Canopies must comply with USBC 3105.1 and the applicable sections of USBC: Chapter 16. Structural designs of fabric covered canapés must comply with USBC 3105.3.

- C - 23 Awnings must comply with all applicable requirements of USBC 3105.3 and 3202.3.1. Retractable and fixed awnings must have a minimum 7 foot clearance from a sidewalk to the lowest part of the framework or any fixed portion of any retractable awning is required. Retractable awnings must be securely fastened to the building and cannot extend closer than 24 inches in from the curb line (USBC 3202.3.1).
- C - 24 Provide a covered roof for the external staircase and landing.
- F - 1 The applicant shall obtain a sign permit for the proposed sign and/ or wall lettering.

Environmental Health

- 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 \$200.00 fee for review of plans for food facilities.
- C - 3 Approval must be obtained prior to use of the modified areas.
- C - 4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C - 5 A Certified Food Manager must be on duty during all hours of operation.
- F - 1 This facility is currently operating as Marino's under an Alexandria Health permit, issued to Old Alexandria Food Service.
- R - 1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police

- R - 1 A security assessment is to be completed on any/all construction trailers that are placed on the site. This is to be completed as soon as the trailers are placed on site by calling the Community Relations Unit at 703- 838-4520.
- R - 2 Upon completion of the addition, the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business.
- R-3 Upon completion of the addition, the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.

F - 1 No lighting plan was submitted. Police Department records indicate that several drug arrests have been made and a vehicle was stolen from the parking lot of Marino's which is poorly lit and next to an alley leading into Wesmond Drive.

- Please submit a lighting plan for review that includes the luminaries directing light illumination where it should go, which is on the ground.

F - 2 Police Department records indicate that on February 7, 2010 a destruction of property report was made indicating that a window of the business was shattered. This reiterates the need for proper lighting on the site.

Also this is a stand-alone business that is open late at night and these types of businesses attract crime. Moreover, all the ground-level entrances are vulnerable and will require additional security measures; the same is true for the second floor fire escape door.

- Please provide a plan that details security measures the applicant will take to properly secure the business and make it less vulnerable to crime. Should the applicant need assistance, they can call the Community Relations Unit at 703-838-4520.

Alexandria Sanitary Authority

C - 1 Ensure all discharges are in accordance with City of Alexandria Code 4035 (ASA)

R - 1. The Applicant shall coordinate with City of Alexandria T&ES to insure that planned flow capacity does not exceed City of Alexandria allotted ASA plant capacity of 21.5 MGD. (ASA)

R - 2. The Applicant shall coordinate with City of Alexandria T&ES to insure to ASA in writing that proposed additional flow does not exceed capacity in ASA Interceptors & Trunk Sewers during wet & average flow conditions. (ASA)

Archaeology

F - 1. Historical maps from the 1860s, 1878 and 1894 indicate the presence of houses in the vicinity of this property, but no structures are known to be present on the lot. Although the potential for the discovery of a significant site is low, it is possible that some evidence of 19th-century activities associated with these nearby houses could be found.

Asterisks denote the following:

- * Condition must be fulfilled prior to release of the final site plan
- ** Condition must be fulfilled prior to release of the building permit
- *** Condition must be fulfilled prior to release of the certificate of occupancy
- **** Condition must be fulfilled prior to release of the bond

Attachment#1: Site Plan

