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10-18-03

Docket Item #5
SPECIAL USE PERMIT #2003-0081

Planning Commission Meeting
October 7, 2003

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

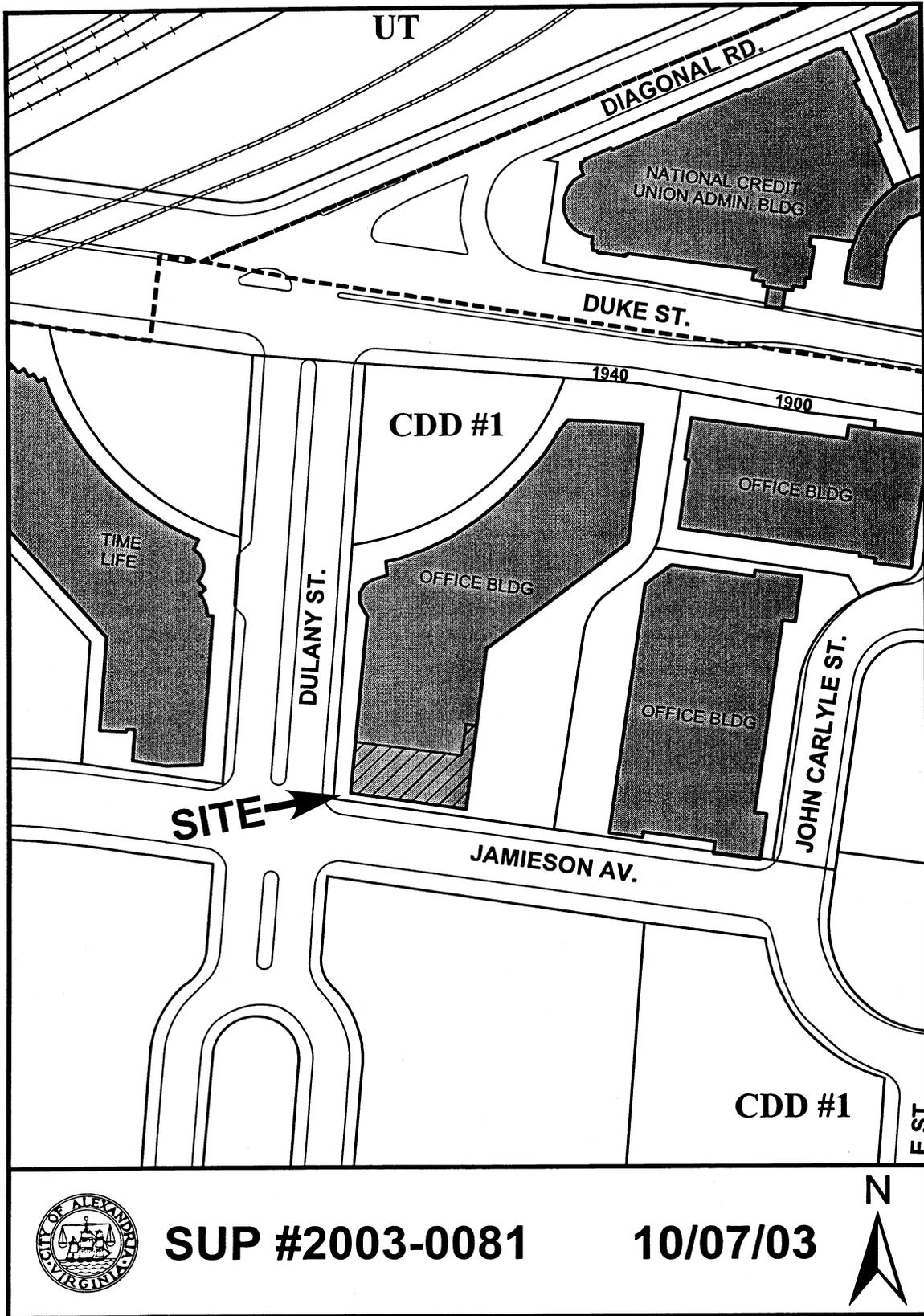
APPLICANT: Young Kim
by Eddie Yoo

LOCATION: 1940 Duke Street

ZONE: CDD-1/Coordinated Development District

PLANNING COMMISSION ACTION, OCTOBER 7, 2003: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 132 patrons inside and outside. (P&Z)
3. The hours of operation shall be limited to 6:30 a.m. to 12:00 midnight daily. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. Delivery service is permitted by foot or bicycle. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
10. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)

12. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
13. All loading and unloading associated with the restaurant shall take place from the loading spaces located within the building. (P&Z)
14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. (P&Z)
15. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
16. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
17. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall be open as much as possible and provide some interior accent lighting when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

19. 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)

Staff Notes:

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

Signs must conform to Chapter 9 of zoning ordinance and the coordinated sign program in Carlyle (SUP#98-0023).

DISCUSSION:

1. The applicant, Young Kim, requests special use permit approval for the operation of a restaurant located at 1940 Duke Street.
2. The subject property is one lot of record with frontage on Duke and Dulany Streets, and Jamieson Avenue, and a total lot area of approximately 1.4 acres. The site is occupied by Carlyle Crescent, a multi-story office building across from the Time Life building. The proposed restaurant will occupy a 4,200 square feet first floor retail space that fronts onto Jamieson Avenue. Vehicular access to the parking garage is located immediately to the east of the restaurant space.

The subject building is part of the 70-plus acre Carlyle development planned for a mix of office, residential and retail uses. The Patent and Trademark Office development is immediately across Jamieson to the south and is currently under construction. Additional office buildings with ground floor retail space are also located in the near vicinity.

3. The applicant proposes to operate a deli and buffet style restaurant with carry-out. The restaurant will offer sandwiches, a salad bar, and other hot and cold food, served cafeteria style. Seating will be provided for 100 customers indoors and 32 customers outdoors on the adjoining, enclosed brick patio. The hours of operation are proposed to be 6:30 a.m. to 4:30 p.m. Monday through Friday. There will be no alcoholic beverages served, and no live music.
4. The parking requirements for the subject building were specified in the Transportation Management Plan for Carlyle (Special Use Permit #2254), and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides parking for the building's retail and office uses. The applicant is thus not required to provide parking beyond that already provided at the subject site. The as-built site plan for the subject building shows that there are 19 retail spaces and 373 office parking spaces within the on-site parking garage.
5. The applicant anticipates 20 to 50 kilograms of trash a day. Trash will be picked up according to the property management schedule.
6. Zoning: The subject property is located in the CDD-1, Coordinated Development District zone. According to Section 5-602 of the zoning ordinance, the underlying zoning of the CDD-1 zone is OC/Office commercial. According to Section 4-803 (AA) of the zoning ordinance, a restaurant is allowed in the OC zone only with a special use permit.

7. Master Plan: The proposed use is consistent with the Eisenhower East small area plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff does not object to the proposed restaurant located at 1940 Duke Street. The restaurant will fill vacant retail space in Carlyle, and provide a convenient service to area workers. In addition, the applicant will be providing outdoor seating in the adjacent patio area, which was specifically created by the Carlyle Design Review Board in a Design Guideline revision as an outdoor dining area to serve the restaurant space. It is the type of pedestrian oriented activity strongly encouraged by the *Carlyle Streetscape Design Guidelines*. In regard to parking, the applicant anticipates that most of its patrons will be employees of the surrounding offices who will walk, and the building includes underground parking which is available for customers and employees.

Staff is concerned, however, that of the three applications for restaurants received in the past year for Carlyle, (Subway Café, SUP# 2002-0095; a deli at 333 John Carlyle, SUP#2003-0070; and current application) all of them have been fast food lunch establishments intended to serve workers in the area, including PTO employees. Although serving an immediate need, staff would prefer to see a diverse mix of eating options occupying these important retail spaces, to include sit down dinner establishments that would attract patrons in the evening and contribute to the long term economic viability of the area. Therefore, staff has included a condition allowing later evening hours, consistent with what was approved at other restaurants in Carlyle, to provide for flexibility if and when the market supports a more upscale eating establishment.

Staff also recommends condition #17 which relates to the storefront appearance. The condition imposes a few minor aesthetic restrictions for the store facade, which the applicant has agreed to, that will make a great impact on the street by ensuring that the windows and storefront remain uncluttered. Staff imposed similar conditions on the retail spaces in the SHRM building at 330 John Carlyle Street, and on the deli at 333 John Carlyle.

Staff has included all of the standard restaurant conditions, as well as a condition allowing delivery by foot or bicycle if the applicant decides to offer that service to area offices. Staff included a one year review condition to ensure the restaurant complies with all of the conditions.

With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has no objections or recommendations regarding the proposed outdoor seating.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 Tenant space is unfinished and vacant.
- C-1 The current use is classified as B; the proposed use is A-3. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-9 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter

2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.

- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
- C-7 Food must be protected to the point of service.
- C-8 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-9 Permits or approval must be obtained prior to use of the new area(s).

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is not requesting an A.B.C. permit. The Police Department concurs with this.

Parks and Recreation:

- F-1 No comment.

APPLICATION for SPECIAL USE PERMIT # 2003-0081

[must use black ink or type]

PROPERTY LOCATION: 1940 Duke Street Alexandria, Va. 22314

TAX MAP REFERENCE: 73.01-02-16 ZONE: CDD#1

APPLICANT Name: Young Kim

Address: 5288 Dunleigh Dr. Burke, Va. 22015

PROPERTY OWNER Name: Insignia Esq.

Address: 1940 Duke Street. Alexandria, Va 22314

PROPOSED USE: Deli Resturant

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 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 hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

EDDIE YOO
Print Name of Applicant or Agent

910 3rd Street NW.
Mailing/Street Address

Washington, DC. 20001
City and State Zip Code

Edeliey

Signature
783-7830
202-798-7830 202-679-4962
Telephone # Fax #

7038517335
7-19-2003
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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.

PLAZA GOURMET

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. 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. (Attach additional sheets if necessary)

Request to operate a Deli-Type
restaurant with carry-out
Seating will be offered for 100 seats + 20 outdoor
the hours of operating proposed on
6:30am to 4:30pm, 5 days a week
Monday thru. Friday.
a parking will be on site
alcoholic beverages will not be offered
Live Music

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

6:30 AM to 4:30 PM Monday ~ Friday

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

10 employees

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Monday ~ Friday

Hours:

6:30 AM to 4:30 PM
open closed

7. Please describe any potential noise emanating from the proposed use:

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

None

B. How will the noise from patrons be controlled?

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

EXHAUST odor to Roof top fan

9. Please provide information regarding trash and litter generated by the use:

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

Food - Trash

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

20 - 50 kg / (1)day

C. How often will trash be collected?

Belong to Building schedule

D. How will you prevent littering on the property, streets and nearby properties?

Building Janitorial person

10. 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:

11. 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:

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

ALCOHOL SALES

13. 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

14. Please 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?

NO OFF STREET PARKING

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

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

} Building parking
Garage

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

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.

15. Please 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? ON SITE

B. How many loading spaces are available for the use? ON - SITE

C. Where are off-street loading facilities located? ON - SITE

D. During what hours of the day do you expect loading/unloading operations to occur?

ON - SITE

01

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

ON - SITE

16. 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?

ON - SITE

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? NONE square feet.

18. What will the total area occupied by the proposed use be?

4200 sq. ft. (existing) + NONE sq. ft. (addition if any) = 4200 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: 1940 Duke Street

other, please describe: _____

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 100 At a bar: _____ Total number proposed: 100

2. Will the restaurant offer any of the following? NONE = 130 TOTAL
+ 30 outdoor seats

_____ alcoholic beverages _____ beer and wine (on-premises)

_____ beer and wine (off-premises)

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

Deli : Sandwich
Salad Bar = HOT & COLD FOOD

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

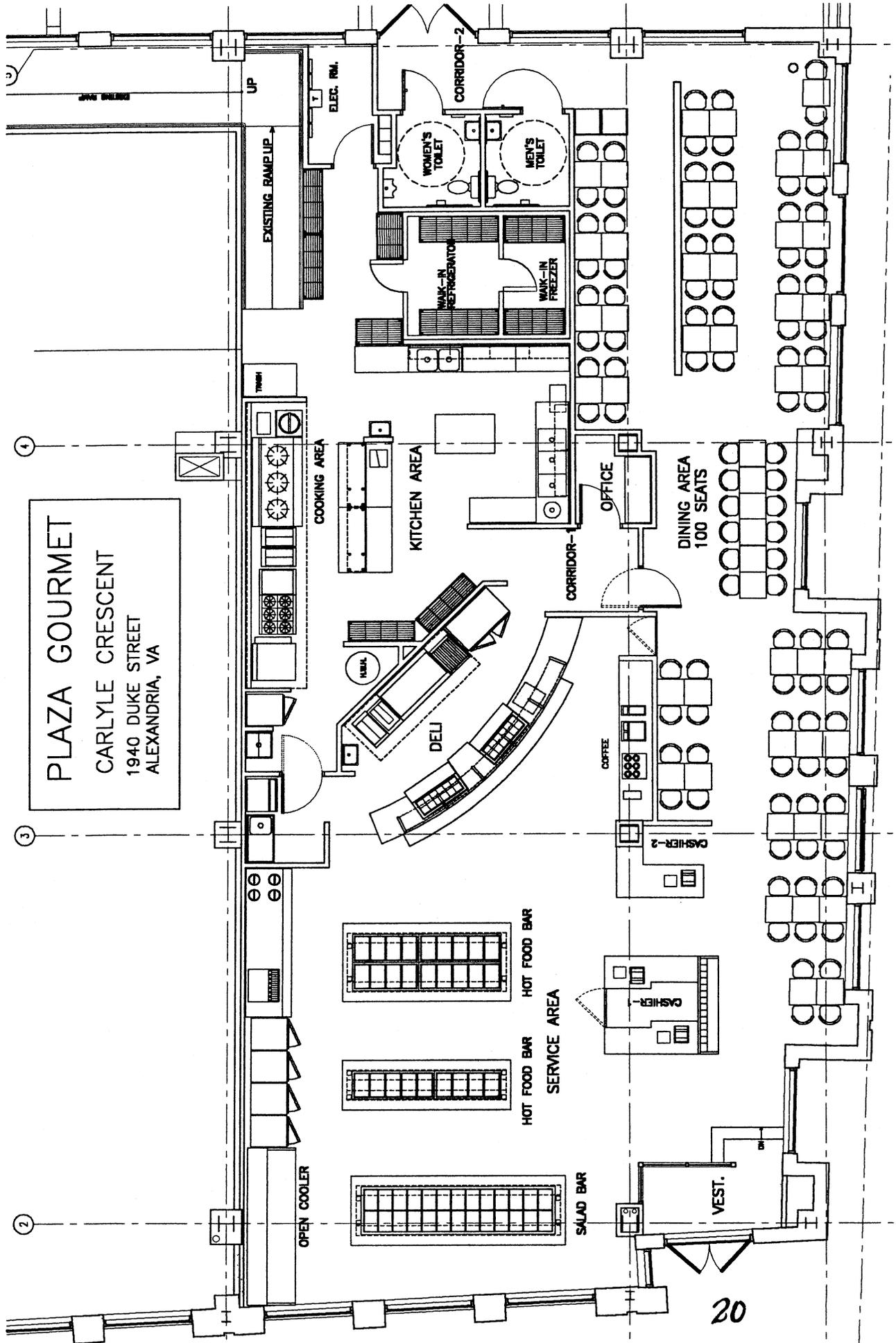
_____ table service _____ bar X carry-out _____ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? NONE

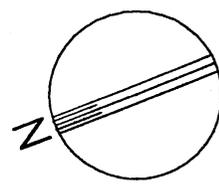
Will delivery drivers use their own vehicles? _____ Yes. X No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? _____ Yes. X No.

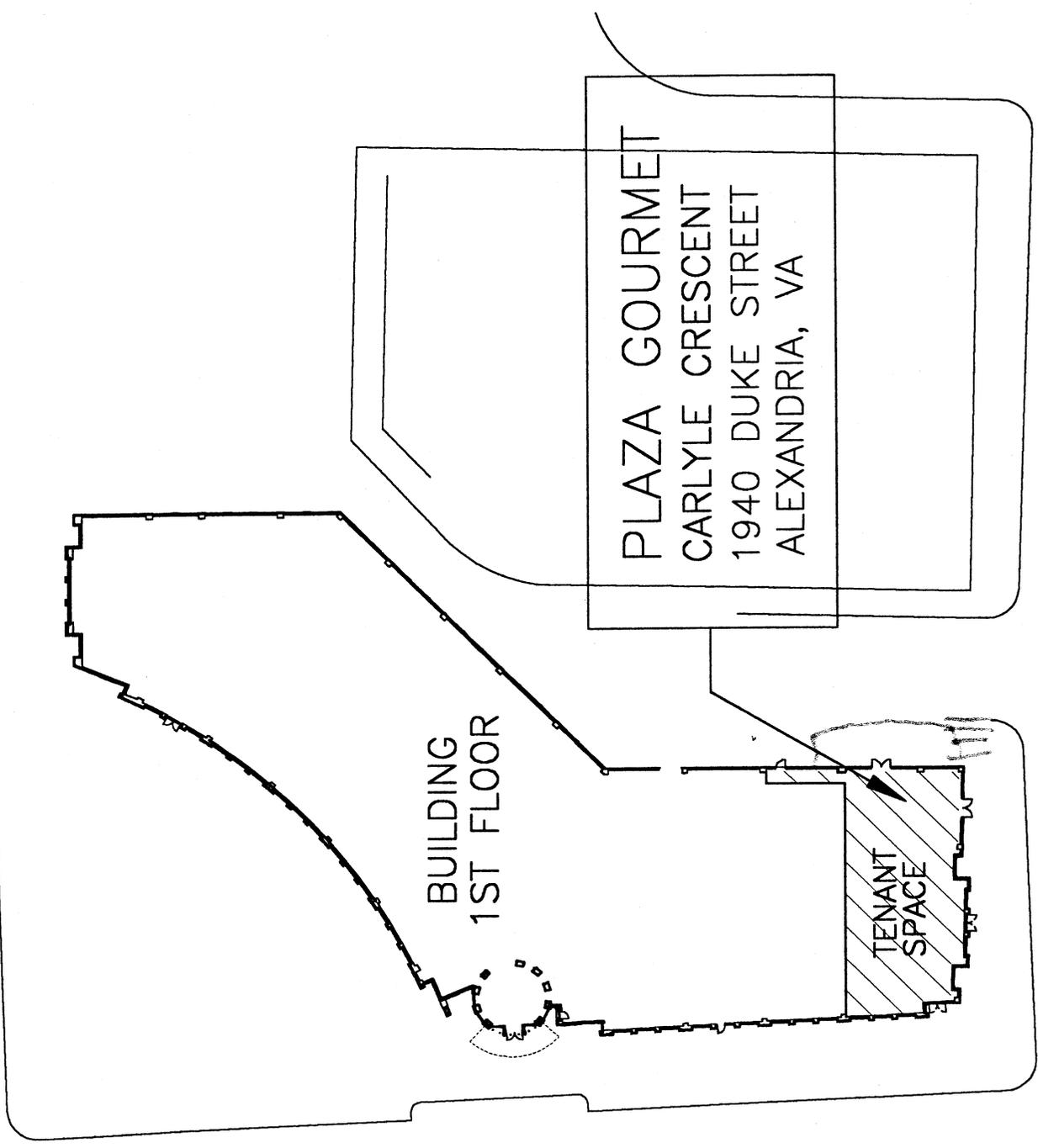
If yes, please describe: _____



PLAZA GOURMET
 CARLYLE CRESCENT
 1940 DUKE STREET
 ALEXANDRIA, VA



DUKE STREET



BUILDING
1ST FLOOR

PLAZA GOURMET
CARLYLE CRESCENT
1940 DUKE STREET
ALEXANDRIA, VA

TENANT
SPACE

JAMIESSON AVENUE

DULANEY STREET

September 17, 2003

Ms. Valerie Peterson
Dept. of planning and zoning
301 King St. # 2100
Alexandria, Va 22314

Dear Ms. Peterson,

RE: OUTDOOR SEATING

This is the request for outdoor seating. I will set up 32 seats more in outdoor. Therefore, total seats will be 132 seats.

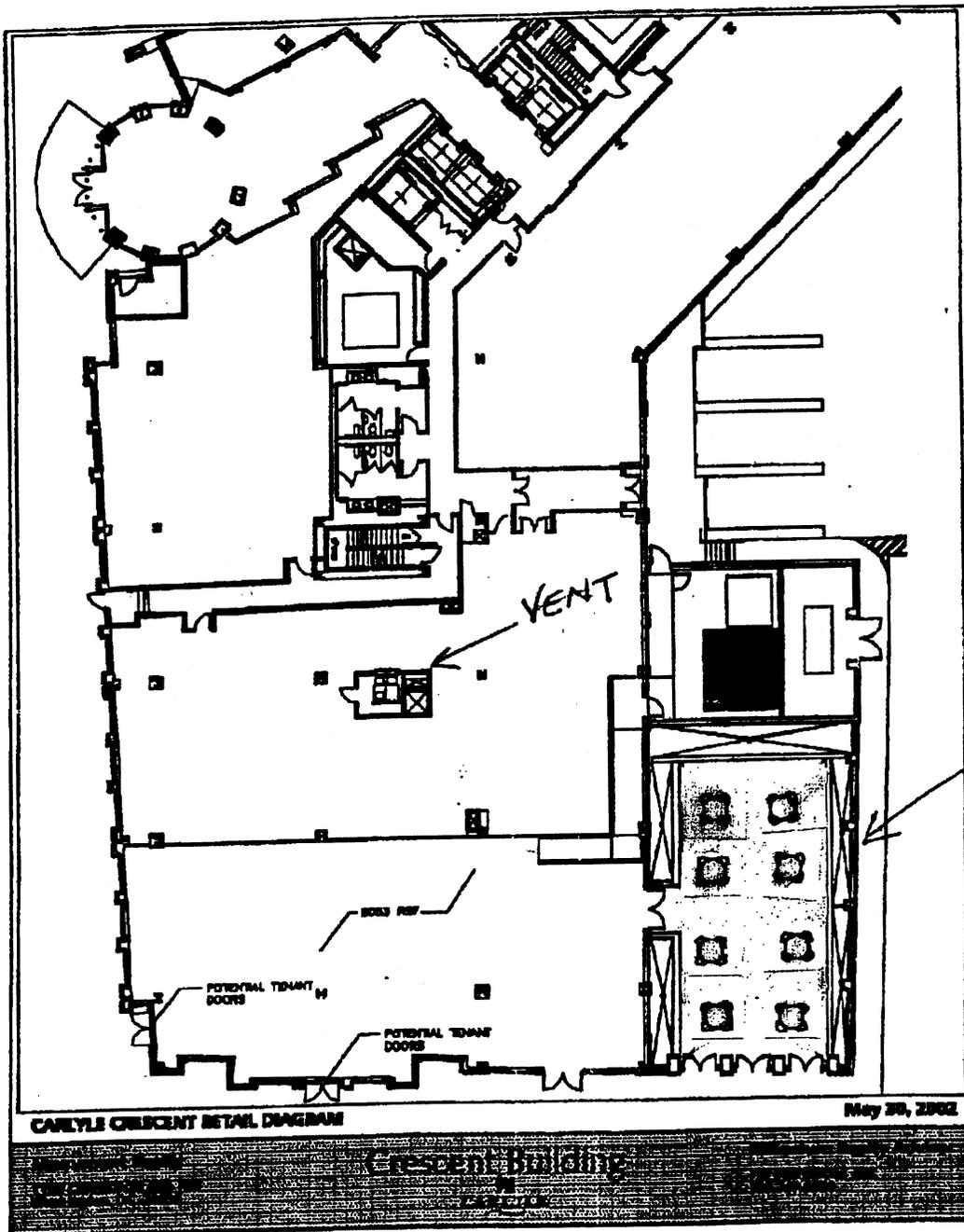
If you have question, please call me 703-622-3230.

Sincerely,



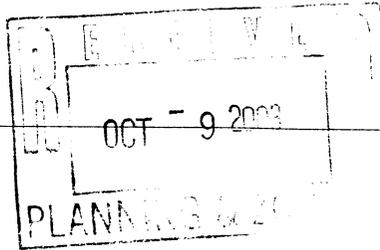
Young Kim
Vice President
Plaza Gourmet, LLC





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LCOR



LCOR Incorporated

Suite 280
6550 Rock Spring Drive
Bethesda, MD 20817
(301) 897-0002
FAX (301) 897-3713

October 6, 2003

SUP 2003-0081

Mr. Jay Neiditch
Facilities Manager
Oblon, Spivak, McClelland, Maier & Neustadt
1940 Duke Street
Alexandria, VA 22314

Re; 1940 Duke Street
Tax Map Ref. 073.01

Dear Jay,

This letter is in support of the property owner's request for a deli-style restaurant, at the corner of Dulany Street and Jamieson Avenue, in the subject building. As the developer/owner of the USPTO campus immediately across Jamieson, we believe this use is fully appropriate and useful for both the office tenants and residents of Carlyle.

Sincerely,

R. William Hard
Executive Vice President

RWH/tt

cc: Alexandria Planning Commission
Alexandria City Council