

DATE: April 28, 2011

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0020
Administrative Review for Change of Ownership
and Minor Amendment
Site Use: Restaurant
Applicant: Chakra, LLC
Location: 600 Franklin Street
Zone: CD / Commercial Downtown

Request

Special Use Permit #2011-0020 is a minor amendment request to extend the hours of operation and a request to change ownership of the business from Fokitchens, LLC to Chakra, LLC. The applicant requests an opening hour of 7:00am each day, instead of 11:00am, to serve breakfast. Aside from minor interior remodeling, no other changes to the restaurant operations are proposed. The new restaurant, which will be named Chakra Café, will offer Indian-inspired fast-casual cuisine.

Background

The building in which the restaurant is located, which includes Balducci's Supermarket on the first floor and offices above, was approved by Site Plan #87-0031. City Council first approved an SUP for a restaurant, known as Blue Point Grill, in this location in 1988 to Sutton Place Gourmet, Inc. (SUP#2125). An outdoor patio was added in 1994 (SUP#2125A) and in 2006 the ownership changed (SUP#2006-0066) to Fokitchens, LLC. The restaurant had been operating under the trade name Farrah Olivia until it closed for business nearly two years ago. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Yates Garden Citizen Association and Old Town-Hunting Creek Civic Association were sent e-mails with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff does not object to the minor amendment or change of ownership requests. The new morning hours of operation represents a relatively small increase that will have no impact

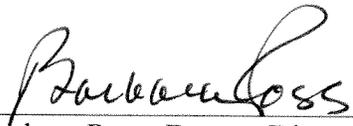
on the surrounding area. The request is consistent with Section 11-511(2)(d) of the Zoning Ordinance regarding eligible minor amendments because the proposed hours are no greater than the standards set forth in Section 11-513 of the Zoning Ordinance for new restaurants.

Staff has added new conditions prohibiting live entertainment, delivery service and off-premises alcohol, since none of these features were listed in the original 1988 SUP application for the first restaurant on the site. Staff has also carried forward the previous conditions of approval to this report, some of which are special conditions, such as the prohibition on permanently enclosing the outdoor dining area and the requirement that the applicant provide free parking in the on-site garage. It has amended one of the parking conditions (Condition #5) to clarify that City Council required free parking in the garage at all times in its original 1988 SUP approval (see Condition #15) and amended another parking condition to remove a reference to parking at Jones Point Park. This change will offer the applicant greater flexibility in finding off-street parking for her employees since parking at that site is no longer available.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 4, 2011
Action: Approved



Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2011-0020

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2125)
2. Seating shall be provided inside for no more than 72 patrons. (P&Z) (SUP #2125)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~11:00 A.M.~~ 7:00am to 12:00 Midnight, Monday through Sunday. (~~SUP #2125~~) (~~City Council~~)-(P&Z)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2125)
5. Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #2125)
6. Trash and garbage shall be collected every day that service is available. (P&Z) (SUP #2125)
7. **CONDITION AMENDED BY STAFF:** Free parking for restaurant use shall be provided ~~after 5:00 P.M.~~, and the applicant shall present a plan to the satisfaction of the Director ~~Department of Planning and Community Development~~ Zoning showing how parking will be accessed in late night hours and provisions be made for garage security. (P&Z) (~~SUP #2125~~)
8. **CONDITION AMENDED BY STAFF:** The applicant shall ~~pay for restaurant employee parking either in the garage or at Jones Point~~ provide off street parking for employees at no cost to employees. (T&ES) (SUP #2125)
9. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. No speakers or music shall be permitted outside. (~~SUP #2125~~) (City Council) (PC) (T&ES)
10. Outside dining facilities shall be provided for no more than 24 patrons. (P&Z) (SUP #2125)
11. When outside dining facilities are provided, (a) litter shall be picked up as it is generated, and (b) the outside dining area shall be scrubbed and washed down at the close of each day of operation. (P&Z) (SUP #2125)
12. **CONDITION AMENDED BY STAFF:** The hours of outside dining shall be ~~11:00 A.M.~~ 7:00am to 9:00pm with the understanding that no new patrons shall

be seated after 9:00 P.M., and food and beverage service for outdoor patrons shall end at 10:30 P.M. (~~SUP #2125~~)(~~City Council~~) (P&Z)

13. The applicant shall landscape the outdoor dining area as shown on the landscaping plan filed with Planning and Community Development. (SUP #2125) (City Council)
14. Deleted Condition. (SUP#2125-A)
15. **CONDITION AMENDED BY STAFF:** The applicant will shall aggressively advertise that free parking is available to patrons at all times in any restaurant advertisement and on its website and shall post signs directing patrons to the availability of parking beneath the building. ~~It will be~~ All advertising should noted that the parking entrance is on South Saint Asaph Street. (P&Z) (T&ES) (~~SUP#2006-0066~~)
16. Applicant agrees not to apply for an expansion of the number of seats for outside dining. (SUP #2125) (City Council)
17. Council noted that there was an agreement with neighbors that 40 spaces will be available to neighbors at a monthly charge during the hours from 7:30 P.M. to 7:30 A.M. (SUP #2125) (City Council)
18. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2125-A)
19. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP#2125-A)
20. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2125-A)
21. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading and unloading activities to the restaurant, and gourmet food store shall occur only at the loading dock serving the building and shall not occur ~~before~~ between the hours of 11:00 PM and 7:00 A.M. (PC) (T&ES) (~~SUP2006-0066~~)
22. The additional floor area authorized by Special Use Permit 2125-A shall only be used for a canopy and supporting structure over the outside dining area of the restaurant operating pursuant to Special Use Permit #2125, and it must be approved by the Old and Historic Alexandria District Board of Architectural Review. In the event the canopy and supporting structure are destroyed, demolished or otherwise in need of repair, they may be reconstructed provided

there is no additional increase in floor area ratio and subject to all City approvals including the Old and Historic Alexandria District Board of Architectural Review. (PC) (SUP#2125-A)

23. The canopy and supporting structure shall not be enclosed by any permanent wall or panel, nor shall any heating or air conditioning equipment be installed which would permit the year-round use of the outside dining area of the restaurant operating pursuant to Special Use Permit #2125. Notwithstanding the foregoing, the west side of the canopy fronting on South Washington Street may be constructed with a glass or other clear material panel for the purpose of shielding the outside dining area from noise and other environmental conditions emanating from the traffic on South Washington Street. Additionally, subject to Board of Architectural Review approval, the canopy and supporting structure may be fitted with roll-down panels to temporarily shield diners from inclement weather. (PC) (SUP#2125-A)
24. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #19):** ~~Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2006-0066)~~
25. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2006-0066)
26. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2006-0066)
27. **CONDITION AMENDED BY STAFF:** The applicant shall ~~encourage~~ require its employees who drive to use off-street parking and/or provide employees who ~~to~~ use mass transit with subsidized bus and rail fare. ~~or to carpool when traveling to and from work, by~~ The applicant shall also posting information regarding DASH and METROBUS routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (T&ES) (SUP2006-0066)
28. **CONDITION ADDED BY STAFF:** No live entertainment shall be offered at the restaurant. (P&Z)
29. **CONDITION ADDED BY STAFF:** No delivery service shall operate from the restaurant. (P&Z)
30. **CONDITION ADDED BY STAFF:** No off-premises alcohol sales shall be allowed at the restaurant. (P&Z)

31. **CONDITION ADDED BY STAFF:** For indoor patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)
32. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
33. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, 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)