

Docket Item #3
SPECIAL USE PERMIT #2004-0102

Planning Commission Meeting
February 1, 2005

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

APPLICANT: Maziar Choubineh

LOCATION: 1640 King Street

ZONE: OCH/Office Commercial High

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

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Mr. Maziar Choubineh, requests special use permit approval for the operation of a restaurant located at 1640 King Street.

SITE DESCRIPTION

The subject site is located on the ground floor of 1640 King Street, a parcel featuring approximately 119 feet of frontage on King Street and a total lot area of approximately 20,700 square feet. The parcel is developed with a six-story, 62,800 square foot office building built in 1990 and owned by the State Department Federal Credit Union. The building is connected to the adjacent office building at 1630 King Street. Both structures share the same design, plaza, and a parking garage.

The proposed restaurant location is a suite on the ground floor of the subject site; the suite occupies 1,264 square feet, and has approximately 35 feet of frontage directly on King Street. Currently, the suite is unoccupied. It was most recently used as an office.

To the west of the site is another six-story office building at 1650 King Street. To the east of the site is the matching 1630 King Street office building, and beyond that is the Hampton Inn at 1616 King Street. Directly across King Street to the north of the site sits a six-story office building (1737 King Street) and a one-story branch of BB&T Bank. Behind the site to the south is Dechantal Street and the King Street Exchange office complex. This site is not located in the Old and Historic District.

SURROUNDING USES

The office buildings at 1640 and 1630 King Street are separate parcels but are connected to appear as one building. Both buildings are six stories in height, and have a combined net leasable area of 106,149 square feet. The second through sixth stories of each building are used exclusively as offices. On the ground floor, the buildings contain two small restaurants (The Perfect Pita and Cafe Aurora), and a yoga studio (Dahn Yoga) has been approved for the ground floor of the 1630 building.

The immediately surrounding area contains largely office and hotel uses; with some retail and restaurant uses as well. The stretch of King Street between Harvard Street and Commonwealth Avenue features approximately 350,000 square feet of net leasable office space, and other large-scale office space is built on nearby streets. Two major hotels (Hampton Inn and Hilton) feature a combined 320 room inventory.

Retail and restaurant uses are less intense than on most other blocks of King Street. In addition to The Perfect Pita and Cafe Aurora restaurants (20 and 10 seats respectively), the opposite side of King Street features Thai Peppers (100 seats) and Seagar's (165 seats, located inside the Hilton). Much of the ground-level space in the vicinity of the proposed project is occupied by financial institutions

– SunTrust, Cardinal Bank, BB&T, and Morgan Stanley all have ground-level offices within sight of 1640 King Street.

PROJECT DESCRIPTION

The applicant requests approval to operate a Quiznos Sub quick-service restaurant. This restaurant will provide sub sandwiches, soups, salads, and non-alcoholic refreshments as offered at other Quiznos locations. Quiznos is a franchise restaurant with approximately 3,500 restaurants nationwide and a specialty in preparing toasted sub-style sandwiches in a quick-service format. The average Quiznos customer spends approximately \$8 per meal. There are currently three Quiznos Sub restaurants in Alexandria, at Van Dorn Station Shopping Center (512 S. Van Dorn Street), at Seminary Plaza (4608 Kenmore Avenue) and at the Saul Center building (608 N. St. Asaph Street), as well as several in neighboring Arlington and Fairfax Counties. The interior design will be of an upscale variety, with colors and materials emulating an Italian decor with soft wood-tone countertop materials, terra cotta color gradations, and upscale lighting. The applicant anticipates approximately 300 customers per day.

Seats: 18

Hours: The hours of operation will be Monday through Saturday from 11:00 a.m. to 9:00 p.m., and Sunday from 12:00 noon to 8:00 p.m. The peak hours will be at lunchtime.

Employees: The applicant anticipates four to five employees per day, with a total of 15 employees.

Trash: The applicant anticipates generating approximately 24 cubic feet of trash per day. Trash containers are located at the back of the building. Trash will be collected two times per week from the rear of the building.

PARKING

The subject property is located in the King Street Transit Parking District where, according to Section 8-400 (B)(8) of the Zoning Ordinance, an office building with restaurant enterprises of 10,000 square feet or less is not required to provide any off-street parking spaces. The building at 1640 King Street has not reached this threshold, thus no off-street parking is required for this proposed use. There is no customer parking for the proposed site.

According to the applicant, most of the restaurant's business will result from patrons who walk to the restaurant. For patrons who drive, there are metered on-street parking spaces in front of the building.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCH/Office Commercial High zone. Section 4-1103(W) of the Zoning Ordinance allows a restaurant in the OCH zone only with a special use permit.

The proposed use is consistent with the King Street Metro/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for commercial use, along with the desirability of retail uses on the ground floor.

This property is not located in the Old and Historic District.

II. STAFF ANALYSIS

Staff supports the special use permit for a Quiznos Sub restaurant at 1640 King Street for three principal reasons:

- This action would place an “active” restaurant use in ground-floor location that until now has been an “inactive” office use. This is in concordance with the goals of the *King Street Retail Strategy*.
- The proposed restaurant is compatible and complementary with existing surrounding uses, chiefly office and hotel space.
- The Department of Planning and Zoning has worked with the applicant to ensure a high quality of interior decor that is in keeping with the upscale and exclusive nature of King Street.

The goals of the ongoing *King Street Retail Strategy* are very relevant to this application. One of the major thrusts of the *Strategy* is to improve the feel of King Street by replacing ground-floor office or bank uses with more active retail and restaurant uses. This subject location is exactly such a site – a ground-floor space that was formally used as an office but is now vacant. Having an active restaurant tenant in this site would help to add more street-level activity to a block of King Street that is now largely bereft of such activity.

Most commercially available space on the 1600 block is developed with office and hotel uses, and the block has a considerably less active feel than other sections of King Street in part because of a scarcity of retail and restaurant uses. Even many locations that are physically suitable for retail/restaurant use are currently in office or financial use – contributing to an inactive street atmosphere. This inactivity is not consistent with the goals of the *Retail Strategy*.

The proposed Quiznos restaurant would be an improvement for the 1600 block of King Street. While quick service restaurants are not generally favored along King Street, the 1600 block presents a different set of circumstances than elsewhere on King Street. In addition, the unique and upscale nature of King Street demands a higher standard of design, which this application addresses through quality upscale design standards. An active tenant, such as Quiznos Sub, in this space will be an improvement for Upper King Street and will provide a convenience for area office workers and residents. The Department of Planning and Zoning considers the desirability of quick service (fast food) restaurants on a case-by-case basis, and in this instance the proposed restaurant is clearly an improvement for the King Street corridor.

The issue of fast food restaurants has been discussed as part of the *King Street Retail Strategy* and there is general agreement that fast food restaurants, especially if part of a national chain and especially in a location where there are a number of similar restaurants, can detract from King Street's unique and eclectic retail character. In addition, the higher rents that such restaurants can typically afford tend to drive out local non-franchise entrepreneurs. Finally, the typical fast food design, with garish lighting and signage and plastic furniture and fixtures, is not compatible with the character of King Street. Because quick service restaurants can be problematic, the *Strategy* retains the requirement of a special use permit, even while affording full service restaurants the potential of an administrative approval.

In reviewing an application for a fast food restaurant, staff looks at whether the proposal is compatible with King Street's eclectic retail character; whether there are too many similar restaurants in the proposed location; and whether the design can be upgraded to a warm, inviting interior. In this case, there are neighboring restaurants that, while catering to nearby employees, are not national chains and are not the typical fast food restaurants. The new Subway restaurant at 1512 King Street is a full block away. The area surrounding this proposed Quiznos location is characterized by modern office buildings and will benefit from this activity. The applicant has worked with staff to adjust his initial application, amending the typical Quiznos decor to include ceramic flooring, upholstered seats, and subdued lighting. Therefore, on balance, staff supports the application, and has included conditions outlining the upgraded interior design as a requirement.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** of the special use permit subject to compliance with all applicable codes and ordinance 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 18 patrons. (P&Z)

3. No live entertainment shall be provided at the restaurant. (P&Z)
4. The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements: (P&Z)
 - a. No lighted signage in the windows is permitted.
 - b. Lighting fixtures in the dining area and the serving area shall not contain fluorescent bulbs, tubes, or other fluorescent lighting elements.
 - c. Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.
 - d. Flooring within the dining area shall be ceramic tile.
 - e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
 - f. Interior doors leading to or from the dining area shall be constructed of paneled wood.
 - g. Decorative wood interior trim shall include moldings and other detail, such as rosettes.
 - h. Menu boards, if any, shall not be backlit or have any internal lighting.
5. The design and/or illumination of any signage pertaining to the applicant's business on the exterior facade of 1640 King Street shall be to the satisfaction of the Director of Planning and Zoning. (P&Z)
6. The closing hour of the restaurant shall be no later than 12:00 midnight daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No alcoholic beverages shall be sold. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)

10. Trash and garbage shall be placed in sealed containers that do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. 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)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. The applicant shall provide the City \$1,678.00 for two Model SD-42 Bethesda Series litter receptacles for installation on the adjacent public right-of-way. Contact T&ES Solid Waste Division (703/751-5130) for information. (T&ES)
15. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. This is to be completed prior to opening for business. (Police)
16. All loading and unloading shall take place in the loading area on Dechantal Street. (P&Z)
17. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
18. 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)
19. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)

20. The applicant shall encourage employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and Metro routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
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 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 received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Eric Forman, Urban Planner.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall provide the City \$1,678.00 for two Model SD-42 Bethesda Series litter receptacles for installation on the adjacent public right-of-way. Contact T&ES Solid Waste Division (703/751-5130) for information.

Code Enforcement:

- C-1 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 119.1).
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

- C-3 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 119.1).
- C-4 This structure contains mixed use groups [A, Assembly; B, Business; S-2, Low-Hazard Storage (public garage, group 2) and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-8 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-9 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-10 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-11 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 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 hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the 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 the business opening.
- 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.
- R-3 The applicant is not seeking an ABC permit, the police department concurs. If in the future the applicant does apply for an ABC permit the following would apply.

Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
2. That the SUP is reviewed after one year.

SUP#2004-0102
1640 King Street

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