

EXHIBIT NO. _____

14

 6-13-09

DOCKET ITEM #13
Special Use Permit #2009-0020
113, 115, 117 King Street

Application	General Data	
Request: Consideration of a request to expand an existing restaurant and increase hours of operation.	Planning Commission Hearing:	June 2, 2009
	City Council Hearing:	June 13, 2009
Address: 113, 115, 117 King Street	Zone:	KR/King Street Retail
Applicant: Landini Brothers Restaurant by Noe Landini	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, JUNE 2, 2009: On a motion by Mr. Jennings, seconded by Mr. Wagner, 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 0, with Ms. Lyman absent.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Franco Landini, owner of Landini Brothers Restaurant, spoke in favor of the proposal.



SUP #2009-0020

06/02/09



I. DISCUSSION

REQUEST

The applicant, Landini Brothers Restaurant by Noe Landini, requests special use permit approval to expand an existing restaurant at 113, 115, and 117 King Street.

SITE DESCRIPTION

The subject property comprises three lots of record. Each lot has 30 feet of frontage on King Street, 81 feet of depth and a total lot area of 2,430 square feet. Each property is developed with attached three-story brick commercial buildings. The existing restaurant occupies the first two floors of both 115 and 117 King. A souvenir gift shop is located on the first floor of 113 King and a gallery was recently located on the upper floors at this address. Access to the property is from King Street.



BACKGROUND

A restaurant has existed on the first floor of 115 King Street since at least 1976. On December 6, 1983, City Council approved Special Use Permit #1633 for the expansion of the existing, then-grandfathered restaurant onto the second floor of 115 King Street. On December 18, 1999, City Council granted Special Use Permit #99-0114 for the expansion of the restaurant into the first floor of 117 King Street. On May 18, 2002, City Council granted Special Use Permit #2002-0004 for the expansion of the existing restaurant onto the second floor of 117 King Street.

On May 20, 2009 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to expand the existing restaurant into the third floor of 115 King Street and the second and third floors of 117 King Street. It is the applicant's intention to market this expanded portion of the restaurant as a members-only club. It will be outfitted with couches and chairs similar to other club rooms instead of with typical restaurant tables and chairs. Smoking, with an emphasis on cigars, will be allowed, and there will be a separate ventilation system in accordance with the new state smoking law, to be effective December 1, 2009. The new portion of the restaurant will share kitchen facilities with the existing restaurant.

<u>Hours:</u>	11:00am – 1:30am, daily (for the new club) 11:00am – 12:30am, daily (for the existing restaurant)
<u>Number of seats:</u>	267 Indoor seats (existing) <u>200 Indoor seats (proposed for the club)</u> 467 Total indoor seats
<u>Type of Service:</u>	Table and bar service
<u>Alcohol:</u>	On-premises alcohol service only
<u>Entertainment:</u>	Limited live entertainment permitted by SUP will continue
<u>Noise:</u>	Any noise from the location is not expected to be audible outside
<u>Odors:</u>	Electronically-controlled equipment will clean the air in the smoking area
<u>Trash/Litter:</u>	Trash will be collected from the site daily

PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements. Nonetheless, staff recognizes the potential for parking impacts at this location and has included parking-related conditions in Section III of this report.

BOARD OF ARCHITECTURAL REVIEW

The location of the proposed restaurant is within the boundaries of the Old and Historic Alexandria District and is under the jurisdiction of the Old & Historic Alexandria Board of Architectural Review (BAR.) All exterior changes to the building that are visible from the public right-of-way will require the applicant to obtain approval from the Old and Historic Board of Architectural Review. Such exterior changes include, but are not limited to: the proposed signage, awnings, and lighting, and any new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail zone. Sections 6-702 (A)(2)(k) and 6-702 (B)(2)(a) of the Zoning Ordinance allow a restaurant in the KR zone only with a special use permit. The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff does not object to the applicant's request to expand this King Street restaurant. The current operation contributes to an active street life on lower King Street, and the expanded facility will further enhance that contribution. Staff has analyzed the restaurant proposal for conformance with the Old Town Restaurant Policy and the King Street Retail Strategy and finds it to be substantially consistent with both of these policies, although conditions have been added to ensure that any impacts are addressed.

Old Town Restaurant Policy

Staff has determined that the proposed restaurant is in conformance with the Old Town Restaurant Policy, which requires restaurants to be reviewed as to:

- The availability of off-street parking,
- The impact of the restaurant on parking in the adjacent neighborhood,
- Late night hours,
- Predominance of alcohol,
- Litter, and
- Diversity of uses.

Parking

Landini's proposes to add a 200 seat private club on the upper floors of its King Street buildings. The total restaurant will then include 467 seats. Although the restaurant is located in the Central Business District, a restaurant of this size will likely have some parking impact on the neighborhood. The impacts may be mitigated by at least two factors: 1) The applicant points out in his application that many of his potential club members take taxis or are chauffeured to the restaurant, and 2) staff notes that some portion of customers of the existing portion of the restaurant will already be in the area as workers or visitors. Nonetheless, staff believes that additional tools are needed and has added a series of conditions related to parking which are consistent with those required of The Fish Market and O'Connell's, two other large restaurants in the immediate vicinity.

Because of the size of the restaurant and because off-street parking is available nearby at two public garages, staff is recommending that the applicant be required to participate in a subsidized parking program that reduces the cost of parking by at least \$1. Staff is recommending this condition in addition to participation in any program developed as a result of the King Street Retail Strategy, which may turn out to be similar or may be different and additional. Staff is also requiring that the applicant inform customers, private club members, and attendees of special parties at the restaurant of the availability of off-street parking and the \$1 subsidy. Staff is requiring that employees who drive to work shall park off-street, and the applicant has indicated that he has a parking contract with a nearby garage for employee parking. Finally, staff and the applicant have discussed the potential to further reduce parking impacts in the vicinity with the addition of a valet parking program. The applicant has agreed to explore the idea with the City, including the necessity to remove on street parking spaces and the problem of finding dedicated space for cars in area garages. Under the zoning ordinance, the addition of valet parking requires

SUP approval, although it may be allowed administratively under the new small business program.

Hours

The restaurant proposes that the new club be allowed to stay open until 1:30 am daily, which is later than the current 12:30 am closing hour for the remainder of the restaurant. Staff has compared the proposal with other restaurants in the vicinity and found the closing hours to be later than some but consistent with others. The Fish Market closes at 1:00am Monday-Saturday and 12:00 midnight on Sunday. O'Connell's closes at 1:00am daily. On the other hand, there are grandfathered restaurants, including Union Street Public House, the Wharf, and the restaurant at 100 King Street which can stay open until 2:00 am. In addition, the SUP for Jackson 20 allows it to stay open until 1:30 daily, and the SUP for Buggy's allows it to stay open until 1:30 am on Friday and Saturday. Staff supports continuing the 1:00 am closing time established in the Fish Market and O'Connell's cases, for lower King Street, although it notes that, with the anticipated high cost of membership at the new club, patrons are unlikely to have the nuisance impact on nearby residential neighborhoods anticipated by the Old Town Restaurant Policy. Nevertheless, there is no requirement with regard to the cost of membership, and the proposed club is large. On balance, staff supports a 1:00 a.m. closing time.

Alcohol, Litter and Retail Mix

The applicant does propose to serve on-premises alcohol at the club and notes that there will be a balanced ratio of food to alcohol. As noted above, the patrons of the club are unlikely to create behavior or noise problems for the neighborhood. As to litter, staff believes that potential to be small, given the nature of the new use. In addition, the conditions contained in Section III of this report sufficiently address any litter concerns. Finally, staff notes that the expansion of the proposed restaurant will not negatively impact the diversity of uses found in this vicinity. In addition to several restaurants, there are gift shops, a shoe store, a stationary shop, a toy shop, two art galleries, and a tobacco shop in the 100 and 200 blocks of King Street.

King Street Retail Strategy

One of the broad objectives in the King Street Retail Strategy is to promote land uses that maintain an active pedestrian experience. The proposed restaurant fits within the King Street Retail Strategy because it will continue to promote an active street-life. This restaurant is not fast-food and not a chain establishment and thus generally speaking it enhances the unique character of the King Street area. Therefore, the restaurant supports the King Street Retail Strategy.

Trash Can, Litter and Street Tree Requirements

The City recently planted a missing tree along the 100 block of King Street, so additional trees are not required. Similarly, there are trash cans in the area, so no new one is being required, but the applicant must make a contribution to the City's Litter Control Fund. These conditions may change as a result of Council's policy discussion on these issues scheduled for June 9.

Staff believes that the proposed Landini's expansion is reasonable and appropriate for lower King Street. Staff has included a number of parking-related conditions to mitigate any potential

impacts. In addition, staff is recommending a slightly earlier closing time than requested, in order to be consistent with the closing times at the Fish Market and O'Connell's. Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #99-0114)
2. **CONDITION AMENDED BY STAFF:** ~~The maximum number of indoor seats Seating be provided for no more than shall be 267 patrons~~ on the first and second floors of 115 and 117 King Street. The maximum number of indoor seats on the second and third floors of 113 King, and the third floor of 115 King Street, shall be 200. The total maximum number of indoor seats at the restaurant shall be 467. (P&Z) (SUP#2002-0004)
3. **CONDITION AMENDED BY STAFF:** Outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. ~~No outside dining facilities shall be located on the premises.~~ (P&Z) (SUP #99-0114)
4. **CONDITION AMENDED BY STAFF:** The hours during which the restaurant on the first and second floors of 115 and 117 King Street business is open to the public shall be restricted to between 11:00 a.m. and 12:30 a.m. daily. The restaurant facility on the second and third floors of 113 King, and the third floor of 115 King Street may be open between 11:00 a.m. and 1:00 a.m. (P&Z) (SUP #99-0114)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #99-0114)
6. On-site alcohol service be permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP #99-0114)
7. Condition deleted. (SUP #99-0114) (City Council)
8. No delivery service shall be permitted. (P&Z) (SUP #99-0114)
9. Condition deleted. (SUP #99-0114) (City Council)
10. Live entertainment, such as an acoustical guitarist or pianist, is permitted and music or amplified sound shall not be audible at the property line. (City Council) (SUP #99-0114)

11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #99-0114)
12. 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 #99-0114)
13. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #99-0114)
14. **CONDITION DELETED – SEE NEW CONDITIONS #22-24:** ~~The applicant shall (a) provide subsidized parking for all patrons under the Park Alexandria program during evenings and weekends in a public parking garage, (b) advertise such parking by posting notice at its restaurant and including such notice in any advertising, and (c) urge patrons who drive to use the program. (P&Z) (SUP #99-0114)~~
15. **CONDITION DELETED – SEE CONDITION #25:** ~~The applicant shall require that its employees who drive to work use off street parking. (P&Z) (SUP #99-0114)~~
16. **CONDITION SATISFIED FOR PREVIOUS EXPANSION AND DELETED BY STAFF:** ~~The applicant shall install a sprinkler system to the satisfaction of the Fire Marshal's office. (Code) (SUP #99-0114)~~
17. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #99-0114)
18. 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 #99-0114)
19. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police) (SUP #99-0114)
20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after the expanded restaurant is operational and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; 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 #99-0114~~)

21. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2002-0004)
22. **CONDITION ADDED BY STAFF:** The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant and shall include such notice in any advertising. (P&Z) (T&ES)
23. **CONDITION ADDED BY STAFF:** Prior to a banquet or special event, or with regard to its club members, the applicant shall provide guests and members with information regarding the location, hours and fees at area parking garages. (P&Z)(T&ES)
24. **CONDITION ADDED BY STAFF:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (P&Z)(T&ES)
25. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and 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. (T&ES)
26. **CONDITION ADDED BY STAFF:** 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)
27. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
28. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
29. **CONDITION ADDED 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 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)

30. **CONDITION ADDED BY STAFF:** The applicant shall contribute \$575.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
31. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

STAFF: Gwen Wright, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- 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. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 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 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)
- R-6 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. (T&ES)
- R-7 Applicant shall contribute \$575.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-8 The applicant shall require its employees who drive to use off-street parking and 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. (T&ES)
- R-9 The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The

applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant and shall include such notice in any advertising. (P&Z) (T&ES)

- R-10 Prior to a banquet or special event, or with regard to its club members, the applicant shall provide guests and members with information regarding the location, hours and fees at area parking garages. (P&Z)(T&ES)
- R-11 The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (P&Z)(T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).
- C-2 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)

Code Enforcement:

- C-1 A new fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-3 The current use is classified as M- Mercantile; the proposed use is A-2 Assembly and B-Business. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 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-4 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-5 The most restrictive type of construction shall apply to the structure for height and area limitations for nonseparated uses (USBC 508).
- C-6 The assembly use is on three levels (Level 2 and Level 3). Required exits and accessibility for persons with disabilities must be provided to the first and second levels, including but not limited to code requirements for toilet rooms, seating, and accessibility to the building. (USBC 1114.4).
- C-7 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-8 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-9 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C-10 A dimensioned floor layout showing any live entertainment area, aisle access ways, exit passageways, and aisles for seating/tables is required (USBC 1004.2, 1005.1, 1006.1, 1008.1)
- C-11 Fire suppression systems shall be installed in buildings and structures of Use Group B, when > 30' in height. Building height shall be measured from the point of the lowest grade level elevation accessible by fire department vehicles at the building or structure to the floor of the highest occupiable story of the building or structure (USBC 905.3.1).
- C-12 A fire protective signaling system is required in the B, Business use group area (offices) which are located two or more stories above the lowest level of exit discharge (USBC 907.2.2).
- C-13 Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-14 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five 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-15 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

- C-16 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-17 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.

Health Department:

- F-1 This facility is currently operating as Landini Brothers under an Alexandria Health permit, issued to Landini Brothers Inc.
- 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 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.

*New Legislation goes on effect December 1, 2009. Any portion of a restaurant constructed so that the area where smoking is permitted is structurally separate from the non-smoking areas of the restaurant and separately vented to prevent the recirculation of air from the smoking area to the non-smoking area. At least on public entrance must be into an area where smoking is not permitted.
- C-5 A Certified Food Manager must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- F-1 The City recently planted a missing street tree along the 100 King St. blockface.
- F-2 There are no dead, diseased street trees, or empty tree wells along the immediate block face of the subject property.

- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 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 The applicant is seeking an “ABC On” license only. The Police Department has no objections.
- F-2 The Police Department has no objections to the expansion.

Board of Architectural Review:

- F-1 The location of the proposed restaurant is within the boundaries of the Old and Historic Alexandria District and is under the jurisdiction of the Old & Historic Alexandria Board of Architectural Review (BAR.) All exterior changes to the building that are visible from the public right-of-way will require the applicant to obtain approval from the Old and Historic Board of Architectural Review. Such exterior changes include, but are not limited to: the proposed signage, awnings, and lighting, and any new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-10000

PROPERTY LOCATION: 113 KING STREET

TAX MAP REFERENCE: 75.01-03-06 ZONE: _____

APPLICANT:

Name: NOE LANDINI

Address: 115 KING STREET

PROPOSED USE: EXTENSION OF LANDINI BROTHERS FOR
A PRIVATE MEMBERS ONLY CIGAR CLUB

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

NOE LANDINI
Print Name of Applicant or Agent

[Signature] 3.29.09
Signature Date

115 KING ST.
Mailing/Street Address

703.836.8404 703.549.3596
Telephone # Fax #

ALEXANDRIA 22314
City and State Zip Code

NOE @ LANDINI BROTHERS . com
Email address

ACTION-PLANNING COMMISSION:	_____	DATE:	_____
ACTION-CITY COUNCIL:	_____	DATE:	_____

SUP #

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 113 KING STREET I hereby
(Property Address)
grant the applicant authorization to apply for the PROPOSED use as
(use)
described in this application.

Name: RAY LOTTO
Please Print

Phone: ~~703 836 8404~~

Address: 1250 JONES ST. S.E. CA 94109

Email: RLLOTTO@gmail.com
415 928-5482

Signature: *Ray W Lotto*

Date: MARCH 30, 2009

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: TENANT of the subject property.

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

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.

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. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

THE USE OF 113 KING STREET IS PROPOSED
AND INTENDED FOR MEMBERS ONLY. OPERATIONS
WILL CONSIST OF A FULL SERVICE BAR,
LIMITED MENU PROVIDED BY LANDINI BROTHERS
AND THE ABILITY TO SMOKE TOBACCO PRODUCTS.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an 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).

• MON - SUNDAY 11:30 AM - 1:30 AM
• 200 PATRONS MAX,

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

• 25 - 30 EMPLOYEES
• 10:30 AM - 2:00 AM

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

Day: MON	Hours: 11:30 AM
↓	↓
SUN	1:30 AM

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

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

LOW

B. How will the noise be controlled?

N/A

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

CLEAN
WE WILL, OUR OWN AIR AND PROVIDE
ADDITIONAL OZONE FOR THE ENTIRETY OF
THE SPACE WE USE. WE WILL DO THIS USING
SOPHISTICATED ELECTRICAL EQUIPMENT.

9. Please provide information regarding ^(ELECTRONIC) trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

BEVERAGE AND FOOD WASTE

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

300 lbs. / WEEK

C. How often will trash be collected?

DAILY - ALREADY PROVIDED BY
THE CITY

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

N/A

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 nearby residents, employees and patrons?

PROPER TRAINING AND OBSERVATION OF
 LOCAL AND FEDERAL LAWS INCLUDING ALL
 HEALTH CODE SET FORTH BY THE CITY

ALCOHOL SALES

13.

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

Yes [] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PROPOSED ANNUAL ALCOHOL SALES PROPOSED TO
 BE IN EXCESS OF \$2 MILLION
 - ABC LICENSE IS PROPOSED TO BE AN
 EXTENSION OF OUR CURRENT LICENSE

PARKING AND ACCESS REQUIREMENTS

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

N/A

- _____ Standard spaces
- _____ Compact spaces
- _____ Handicapped accessible spaces.
- _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A 0

Does the application meet the requirement?
 Yes [] No

B. 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?

PLEASE NOTE: 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.

C. 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.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? _____

N/A

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 0

Does the application meet the requirement?
 Yes [] No

B. Where are off-street loading facilities located? FAYETTE ALLEY

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

8:30 - 10:30 / 11:30

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

MON - SUN

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?

THEY ARE ADEQUATE

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? _____ square feet.

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

5,000 sq. ft. (existing) + _____ sq. ft. (addition if any) = 5,000 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: _____

other. Please describe: HISTORIC WAREHOUSE

End of Application

SUP # 209 0636



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: 200 Outdoors: N/A Total number proposed: 200

2. Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) Yes No
Beer and wine — on-premises Yes No
Beer and wine — off-premises Yes No

3. Please describe the type of food that will be served:
— HOT AND COLD GOURMET CUISINE AND FINE PASTRIES

4. The restaurant will offer the following service (check items that apply):
 table service bar carry-out delivery
LOUNGE STYLE TABLE SERVICE

5. N/A If delivery service is proposed, how many vehicles do you anticipate? _____
Will delivery drivers use their own vehicles? Yes No
Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes No
If yes, please describe:
TELEVISION (ESPN, CNN, MSNBC)

OLD TOWN RESTAURANT POLICY

Changes to Old Town Small Area Plan Chapter of the Master Plan Adopted by City Council on November 13, 1993

On November 13, 1993, the City Council adopted Resolution No. 1672, which outlines new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.

GOALS OF THE OLD TOWN RESTAURANT POLICY

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

POLICIES TO ATTAIN THE GOALS OF THE OLD TOWN RESTAURANT POLICY

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- The availability of off-street parking.
- The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- The extent to which the restaurant is open in the late night hours.
- The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- The predicted extent of litter generated in nearby neighborhoods.

CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS

Parking Management Plan. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- The parking demand generated by the proposed restaurant.
- The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- The predicted impact of the restaurant on the parking supply at the evening, weekend, and daytime peaks.
- A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

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)
 - 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 (MOSLY LOCAL RESIDENTS)
 - 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:
 - 160 Maximum number of patron dining seats
 - + 30 Maximum number of patron bar seats
 - + _____ Maximum number of standing patrons
 - = 190-200 Maximum number of patrons

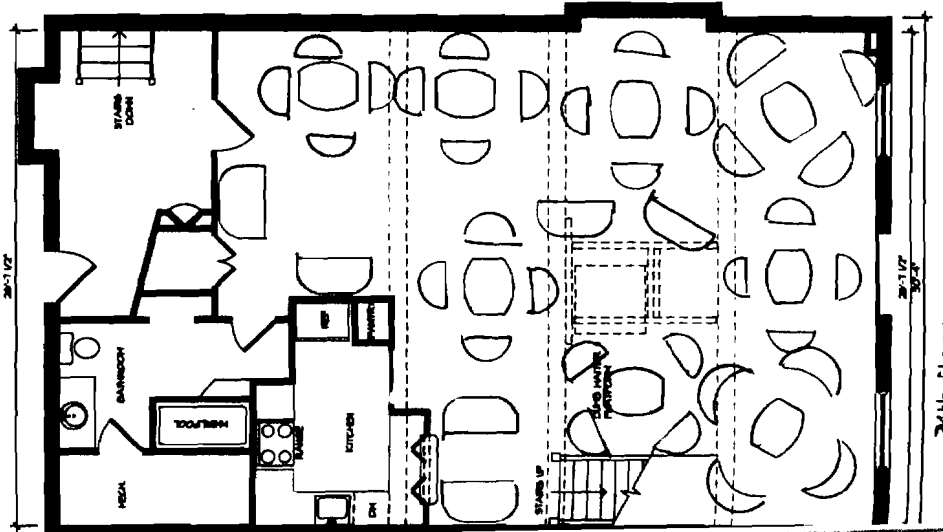
2. 15-20 Maximum number of employees by hour at any one time

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

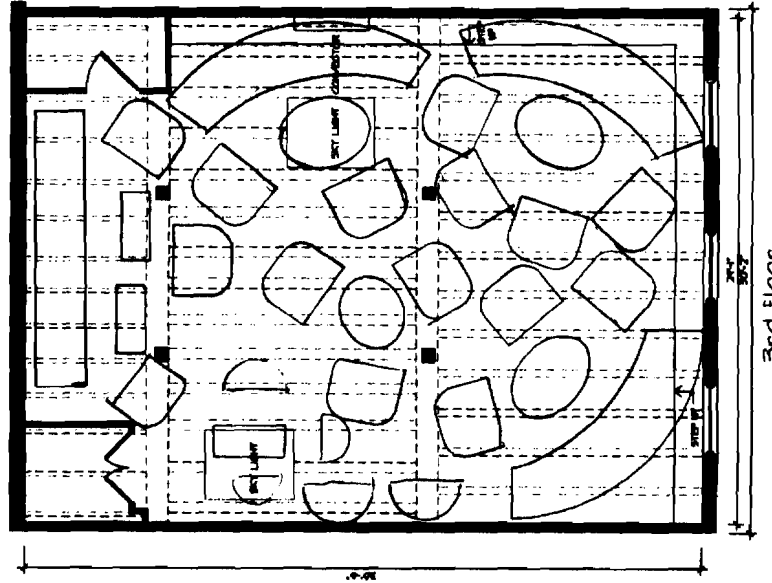
4. Alcohol Consumption (check one)
 - High ratio of alcohol to food
 - Balance between alcohol and food
 - Low ratio of alcohol to food

THIS DRAWING IS NOT TO SCALE.
 SEATING STYLES ARE MEANT
 TO BE SIMILAR TO LIVING
 ROOM AND LOUNGE TYPE
 SETTINGS.

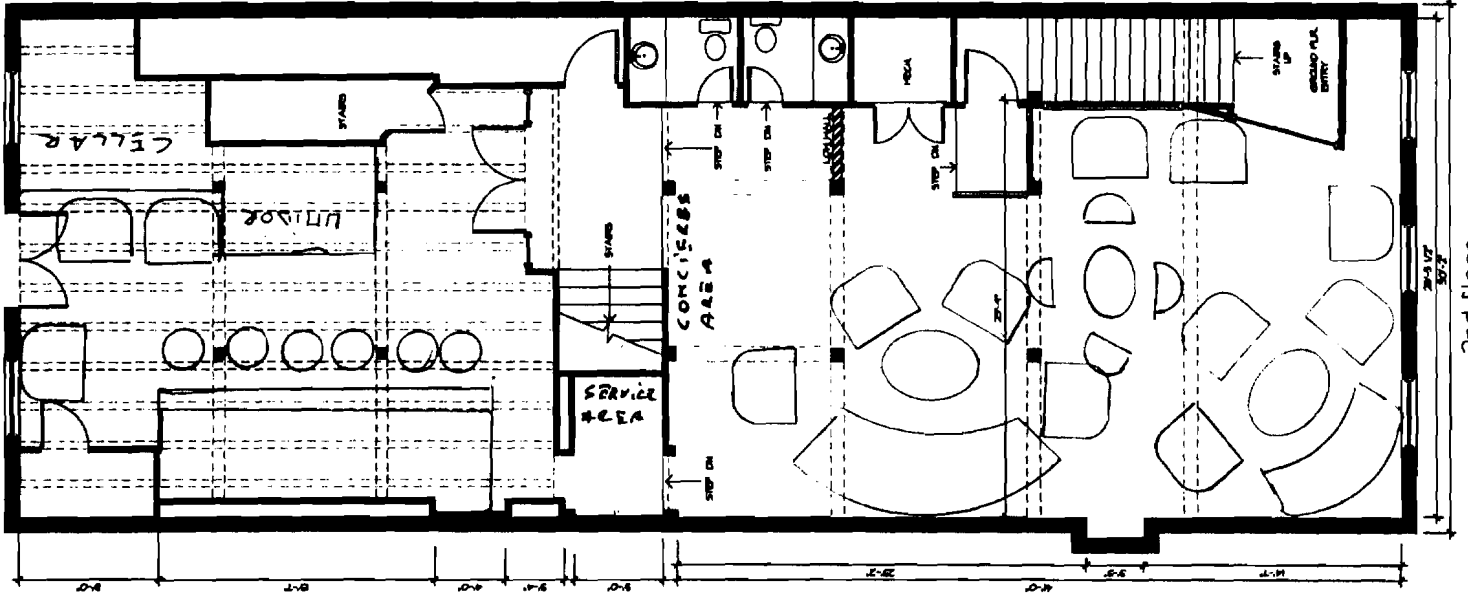
27



3rd floor
 115 KING ST.



3rd floor
 113 KING ST.



2nd floor

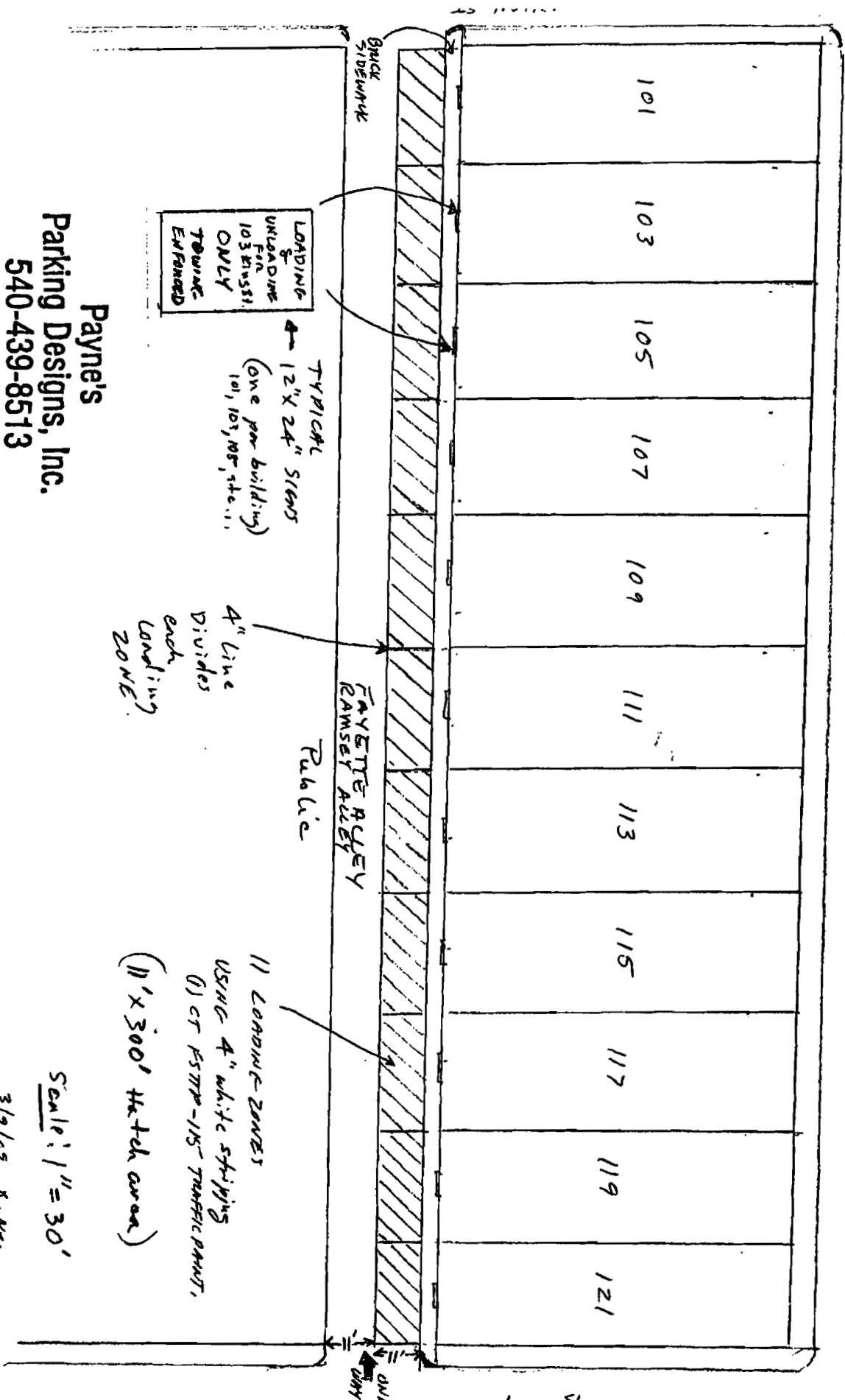
AS-BUILT

NO.	DATE	BY	CHKD.	APP.	SCALE	PROJECT
1	11/10/20					

NOT TO SCALE
 ALL DIMENSIONS IN FEET AND INCHES
 UNLESS OTHERWISE SPECIFIED

KING STREET

28



Payne's
 Parking Designs, Inc.
 540-439-8513

Drawing to be used exclusively
 by Payne's Parking Design Inc.

4" Line
 Divides
 each
 Loading
 Zone

1) LOADING ZONES
 USING 4" white striping
 (1) CT ESTP-115 TRAFFIC PAINT,
 (11' x 300' Hatch area)


Scale: 1" = 30'

3/9/07 R. Nye
 Revised sketch.

3,4,5,6,9,14,16
6-13-09

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 11, 2009
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER 
SUBJECT: APPLICATION OF TREES AND TRASH CAN POLICY TO JUNE SUP CASES

ISSUE: How to apply the new policy for funding street trees and trash cans to the SUP cases on Council's June docket.

RECOMMENDATION: That Council apply the new policy and condition language regarding trees and trash cans to the June SUP cases as outlined below.

BACKGROUND: One June 9, Council acted to adopt a policy with regard to SUP conditions for streetscape funding. Specifically, Council directed staff to include the following condition in all new SUP cases, including those approved administratively. The condition is not to be applied to cases seeking to amend an existing SUP or where there is a separately established funding stream for the same features.

The applicant shall contribute \$500 to the City's Streetscape Improvement Fund for street trees and trash cans.

The above condition makes for consistent application and is to replace the site specific analysis and application of requirements for street trees and trash cans, tailored to the circumstances of a particular location, that had previously been staff's practice.

APPLICATION OF THE NEW RULE TO JUNE SUP CASES

There are seven SUP cases on Council's June docket. Two are new SUP cases to which Council's new condition language applies. The remaining five cases seek amendments to previously approved SUPs, and the new language does not apply in those cases. Staff drafted the June staff reports, including conditions, based on its prior practice, however, staff indicated to the Planning Commission and the applicant that the conditions might change as a result of Council's discussion on June 9. To apply its new policy to the June cases, Council needs to make the following changes to the cases below at its June 13 hearing.

New SUP Cases

SUP #2009-0015, Bashford Lane Apartments parking reduction by RPJ (docket item #4):
Add new condition language.

SUP #2009-0016, Dove Street Cat Shelter (docket item #5):
Add new condition language; and
Remove condition #9 requiring \$575 contribution for litter fund.

SUP Amendment Cases

SUP #2009-0014, Café Pizzaiolo Restaurant (docket item #3):
No changes.

SUP #2009-0021, Umbrella SUP Extension (docket item #6):
Remove Condition # 19 requiring \$1150 contribution for new trash can; and
Remove Condition # 21 requiring the replacement of two new street trees.

SUP #2009-0018, Momo Sushi (docket item #9):
No changes.

SUP #2009-0020, Landinis (docket item #14)
Remove condition 30 requiring \$575 contribution for litter fund.

SUP #2008-0047, Gold Crust Bakery (docket item #16)
Remove condition 23 requiring \$575 contribution for litter fund.

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0020

PROPERTY LOCATION: 113 KING STREET

TAX MAP REFERENCE: 75-01-03-06 **ZONE:** _____

APPLICANT:

Name: NOE LANDINI

Address: 115 KING STREET

PROPOSED USE: EXTENSION OF LANDINI BROTHERS FOR

A PRIVATE MEMBERS ONLY CLUB CLUB

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

NOE LANDINI
Print Name of Applicant or Agent

[Signature] 3.29.09
Signature Date

115 KING ST.
Mailing/Street Address

703.836.8404 703.549.3596
Telephone # Fax #

ALEXANDRIA 22314
City and State Zip Code

NOE@LANDINIBROTHERS.COM
Email address

Recommended Approval 6-0 6-2-09	DATE: _____
ACTION-PLANNING COMMISSION: _____	DATE: _____
CC approved PC recommendation 7-0	6/13/09
ACTION-CITY COUNCIL: _____	DATE: _____