

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

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.