

Docket Item #19
SPECIAL USE PERMIT #2004-0010

Planning Commission Meeting
April 6, 2004

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

APPLICANT: Kavir Restaurant
by Michael Shad

LOCATION: 1110 King Street

ZONE: CD/Commercial Downtown

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

I. DISCUSSION

REQUEST

The applicant, Michael Shad c/o Kavir Restaurant, requests special use permit approval for the operation of a restaurant located at 1110 King Street.

SITE DESCRIPTION

The subject property is one lot of record, each with 15 feet of frontage on King Street, 100 feet of depth and a total lot area of 1,500 square feet. The lot is developed with one of a pair of two-story, semi-detached, rowhouses. The building has been vacant for some time.

SURROUNDING USES

The surrounding area is a mix of mostly commercial and office uses. Le Gaulois restaurant is located immediately to the east. The rear of the property is bordered by an alley. Residential uses are located to the south of the property. Also in this block of King Street are Tiffany Tavern, Bistro Lafayette, and Vermillion restaurants.

PROJECT DESCRIPTION

The applicant proposes to operate a full service restaurant with carry out service, specializing in Middle Eastern and Mediterranean food consisting of a variety of grilled kabobs, soups, and salads. The applicant will also offer a limited selection of gourmet retail items such as saffron, caviar, olives, imported vinegars, and other exotic herbs and sauces. The applicant proposes the following on the other specific aspects of the restaurant:

- Seating: The applicant proposes 44 seats on the first and second floors. There will be only table seating and no bar seating.
- Hours: The proposed hours are 10:00 a.m. to 10:00 p.m. Monday through Saturday, and 12:00 noon to 10:00 p.m. on Sunday.
- Patrons: The applicant anticipates serving 100 guests each day. The applicant anticipates that most patrons will be from the neighborhood.
- Employees: The applicant anticipates eight employees working over two shifts.
- Alcohol: The applicant proposes to offer on-premise wine and beer service. The applicant also proposes to offer off-premise beer and wine sales to patrons who order carry out meals.
- Noise: The applicant proposes no live entertainment, and does not expect much noise from the restaurant.

Parking: Parking is not required for a restaurant in the Central Business District. However, the applicant has secured off-street parking for employees, including two spaces located behind the building and two spaces at the garage located at 1101 King Street. The applicant has also secured an arrangement with the same garage during weekday hours to provide parking reimbursement for patrons who park there. During evening and weekend hours, the applicant has secured an arrangement with the parking garage located on North Alfred Street to provide parking reimbursement for patrons that park there. (See attached letters from applicant).

ZONING

The subject property is located in the CD/Commercial Downtown zone. Section 4-500 of the Zoning Ordinance allows a restaurant in the CD zone only with a special use permit. The subject property is also located within the Old and Historic Alexandria District. As such, any exterior architectural change, such as signs, exterior duct work or fenestration, must be reviewed and approved by the Board of Architectural Review, Old and Historic Alexandria District.

MASTER PLAN

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 proposed restaurant at 1110 King Street. The proposed restaurant will occupy a building that has been vacant for some time. The use will add to the mix of restaurant opportunities in the area. No live entertainment or outdoor seating is proposed, which could create conflicts with nearby residential uses, is proposed.

Although parking is not required for restaurants in the Central Business District, staff is concerned generally about the increase of parking demand in the area, which will continue to increase as more development occurs and vacant buildings are occupied. Therefore, staff recommends a condition that the applicant maintain a parking arrangement with area garages, including the garage located at 1101 King Street for weekday hours and the garage at North Alfred Street for evening and weekend hours, by which the regular parking price at those garages is discounted by at least \$1, and that the applicant post information regarding this arrangement for patrons at the restaurant. Finally, staff recommends that all employees must park off the street. These conditions are similar to those imposed on other restaurants in the same block. The applicant has agreed to staff's recommended conditions and has already secured four off-street spaces for employees, and has made arrangements with area garages to subsidize patron parking (see attached letters).

Staff also recommends the standard restaurant conditions, including a one-year review to ensure that no issues arise.

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

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)
2. Seating shall be provided inside for no more than 44 patrons. (P&Z)
3. The hours which the business is open to the public shall be restricted to between 10:00 A.M. to 10:00 P.M. daily. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
4. The applicant shall maintain a parking arrangement with area garages, including the garage located at 1101 King Street for weekday hours and the garage at North Alfred Street for evening and weekend hours, by which the regular parking price at those garages is discounted by at least \$1. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant. (P&Z)
5. No live entertainment shall be provided at the restaurant. (P&Z)
6. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
7. 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)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
9. Beer and wine may be sold for on- and off-premises consumption. For off-premises sales, 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 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. (P&Z)

10. No food, beverages, or other material shall be stored outside. (P&Z)
11. 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)
12. The applicant shall require its employees who drive to use off-street parking. (P&Z)
13. 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.
14. 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)
15. 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)
16. 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.

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

- C-1 The current use is classified as M-Mercantile; the proposed use is A - Assembly, M-Mercantile. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. 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 An automatic fire suppression system is required (USBC 903.2.1.3).
- C-3 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-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-6 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-7 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-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 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.

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 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 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.