

Docket Item #21
SPECIAL USE PERMIT #2003-0114

Planning Commission Meeting
June 1, 2004

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

APPLICANT: Subway Real Estate Corporation c/o Subway Development Corporation
By Christopher Decre

LOCATION: 1512 King Street

ZONE: OCH/Office Commercial High

PLANNING COMMISSION ACTION, MARCH 2, 2004: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

PLANNING COMMISSION ACTION, FEBRUARY 3, 2004: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

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

I. DISCUSSION

REQUEST

The applicant, Subway Real Estate Corporation c/o Subway Development Corporation, requests special use permit approval for the operation of a restaurant located at 1512 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 84 feet of frontage on King Street, 60 feet of depth and a total lot area of 4,920 square feet. The site is developed with a two story building with residential apartments on the second floor, and three retail spaces on the first floor. The subject restaurant is proposed to be located in the tenant space farthest to the west, and totals 1,250 square feet.

SURROUNDING USES

The surrounding area is developed with a mix of office and retail uses. Immediately to the west is a tanning salon and offices and to the east is a vacant tenant space, Art Deco Framing Center, and Casablanca Restaurant.

PROJECT DESCRIPTION

The applicant requests approval to operate a Subway sandwich shop. The applicant will serve sandwiches, salads, and refreshments as offered at other Subway restaurants. The restaurant will also include chips cookies, snack items, and a few other desert items. The applicant expects approximately 175 to 200 customers daily. The applicant states that there are a number of offices, shops and residential uses in the area and there are very few places in the area for quick, convenient fresh food.

- Seats: 36

- Hours: The hours of operation will be Monday through Thursday from 7:00 a.m. to 10:00 p.m., Sunday from 10:00 a.m. to 10:00 p.m., and Friday and Saturday from 7:00 a.m. to 12 midnight. The peak hours will be 11:00 a.m. to 3:00 p.m.

- Employees: The applicant anticipates no more than six employees during peak hours.

- Trash: The applicant anticipates three to four 35-gallon bags of trash each day consisting of cardboard boxes and patron refuse. Trash containers are located at the back of the building. Trash will be collected three times a week from the front of the building.

PARKING

The subject property is located in the King Street Metro Parking District where, according to Section 8-400 (B)(4) of the Zoning Ordinance, a restaurant of 36 seats is required to provide four spaces. There is no parking on the property, and the applicant requests a parking reduction of four spaces.

According to the applicant, most business will be generated from local patrons who will walk to the restaurant. For patrons who drive, there are metered street parking spaces in front of the location, and a parking garage at the Hilton Hotel located two blocks to the west. The applicant plans to reimburse its employees (at a yet to be determined amount) to park at the garage.

ZONING

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

MASTER PLAN

The proposed use is consistent with the King Street Metro/Eisenhower Avenue Small Area Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff has concerns about approving a fast food restaurant in this location on King Street, but recognizes that, with design improvements, an active tenant in what has been vacant space could be an improvement for the area and provide a convenience for area office workers and residents. In terms of concentration, there are fewer restaurants in this block of King Street than blocks farther east, so the restaurant issues that attend, for example, the 700 block are not applicable. There is the potential for redevelopment of this King Street block, however, and the area will likely change and improve in the future.

The applicant's initial proposal, with a standard Subway chain design and without any improvement to the exterior facade of the building, failed to actively contribute to the improvement of this important area near the Metro. Staff has therefore attempted to work with the applicant to achieve substantial building facade improvements, as well as significant interior design upgrades. The applicant has agreed to provide most of what staff believes is necessary to make the proposed restaurant a success.

Interior Improvements

The originally proposed decor, with metal chairs, plastic tables, and large colorful pictures of food items projected a fast food image that would be visible to passersby and inappropriate for King Street. Staff discussed its concerns with the applicant and specifically discussed the possibility of opening a "Subway Café" (higher-end Subway) at this location similar to the one located at 1800

Duke Street in Carlyle, to add to and enhance the high quality retail establishments in the area. The applicant informed staff that the Subway Café concept is reserved only for Class-A office buildings, and could not be implemented at this location. However, the applicant has been willing to work with staff on specific features of the interior for the restaurant in order to achieve a better appearance. For example, the applicant has agreed to use the wood tables and chairs that are used at the Subway Café, to place fabric lounge chairs along the front windows, to install soft lighting fixtures and no fluorescent lighting, to provide wood moldings and rosettes along the trim, to provide solid six-panel doors for any interior door, and to use plain tiles along the front of the cashier counter rather than the large tiled, photographic mural of vegetables that was originally proposed. Cumulatively, these changes, while not a Subway Café, represent an upgraded package and show a cooperative attitude by this national chain.

The one significant point of disagreement, however, regarding the interior are the large, bright internally illuminated menu boards which include large pictures of food items. Similar to those found at any fast food restaurant, this harsh, bright element is particularly inconsistent with a more modulated, warm decor staff believes will project a friendlier image for this part of King Street and signal to others its importance. Subway has recently incorporated tasteful, simple menu boards without internal illumination at its Subway Café on Duke Street.

Facade Improvements

The subject building includes three tenant spaces, two of which are vacant. Its features are aging and detract from what could be an attractive, though plain, building. The large sign structure over the three tenant spaces, and structural stonework under the display windows do not match the architecture of the rest of the building. In response to staff's concerns, the applicant now proposes a series of exterior improvements, some of which affect the adjacent tenant space as well as the Subway space. Improvements include installing awnings to cover the large, existing metal sign structure as well as the second story windows, new storefront windows and front door, painting the trim, and covering the unattractive and aging stonework under the windows with stucco to provide a smooth finish.



Proposed Facade Improvements

With these significant improvements, for both the interior and exterior, staff is recommending approval. Staff's recommendation, however, includes the simple menu boards found at the Subway Café as a requirement.

This proposal, including the menu boards, proposal will be more attractive, will establish high design and decor standards for any future uses, and will be a positive addition for this area. Staff has included conditions requiring the applicant to implement all of the staff recommended improvements identified above, including new menu boards. Staff also recommends all of the standard restaurant conditions, and extended hours to be more consistent with other area restaurants.

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

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 36 patrons. (P&Z)
3. The applicant shall prepare a design plan for both interior and exterior areas, to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and shall include the following elements:
 - Exterior
 - a. Cover the existing masonry under the windows with cementitious stucco covering in medium to dark earth tone color. The masonry piers between the display windows shall be covered with a different material or lighter color to harmonize with the remainder of the building facade.
 - b. Install awnings over all windows and doors of subject and adjacent (1510 King) spaces with dark green material.
 - c. Limit sign area to awning valance as depicted in photos with this application.
 - d. No lighted signage in the windows is permitted.
 - e. Existing store windows shall be replaced with new clear plate glass. The new exterior door shall be constructed of wood.
 - f. The window and door trim and the storefront frames shall be painted a dark color and downspouts shall be colored to minimize their appearance.

Interior

- a. Lighting shall be soft, with pendant fixtures similar to Subway Café, and with no fluorescent lighting.
 - b. Furniture, including lounge chairs to be situated near the windows, shall consist of wood tables and chairs with cloth covering, similar to Subway Café.
 - c. Flooring shall be ceramic tile.
 - d. Tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
 - e. Interior doors shall be solid six panel wood.
 - f. Decorative wood interior trim shall include moldings and other details, such as rosettes.
 - g. Menu boards shall be of plain design, similar to those approved for the Subway Café at 1800 Duke Street, without pictures of menu items or internal lighting.
 - h. Refrigerator cases and similar items shall not be placed in visually prominent locations.
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5. No live entertainment shall be provided at the restaurant. (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 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)
 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. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. 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 and Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. Prior to opening the business, the applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey 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 no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
17. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)
18. The applicant shall require that employees who drive to work use off-street parking. (P&Z)
19. 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)
20. The applicant shall encourage its 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 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 which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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.

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.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 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-4 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-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.

- C-6 The current use is classified as M-Mercantile; the proposed use is A-Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy.
- 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, Tile 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 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.

REPORT ATTACHMENTS AVAILABLE IN THE PLANNING AND ZONING OFFICE