

Docket Item #8
SPECIAL USE PERMIT #2004-0072

Planning Commission Meeting
October 5, 2004

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

APPLICANT: Old Town Food Service Corporation
by Duncan Blair, attorney

LOCATION: FishMarket Restaurant
105, 107 and 109 King Street

ZONE: CD/Commercial Downtown

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

SUP#2004-0072
105, 107 & 109 King Street

Site Graphic
Available in the Planning and Zoning Office

I. DISCUSSION

REQUEST

The applicant, Old Town Food Service Corporation by Duncan Blair, attorney, requests special use permit amendment for the restaurant known as The Fish Market located at 105-107 King Street.

SITE DESCRIPTION

The subject property is three lots of record with approximately 74.3 feet of frontage on King Street, a depth of 81 feet and a total lot area of approximately 6,018 square feet. The site is developed with historic warehouse buildings. 105 and 107 King Street are occupied with the Fish Market on both the first and second floors. 109 King Street is occupied with Pop's Ice Cream on the ground floor. The second floor of 109 is the location for the proposed expansion of the Fish Market.

Surrounding the property is a mix of commercial uses. Immediately to the west is Buggy's restaurant, to the south across King Street is "What's the Scoop" ice cream shop and the site of the Bullfeathers Restaurant, which will be reoccupied by Daniel O'Connell's Irish Restaurant. The subject site is bordered by Ramsey Alley to the north. The space to the east is vacant but was previously occupied by the Fish Market.

BACKGROUND

The portion of the Fish Market restaurant located in the building at 105 King Street is grandfathered; it has operated since it opened in 1976 without a special use permit. The addition of the part of the restaurant in the 107 King Street building was approved as a special use permit in 1985 (SUP # 1820). Today, the historic restaurant operation for both 105 and 107 King Street buildings has the following characteristics:

- (A) The restaurant contains 284 seats, including 38 bar seats, and operates with a maximum of 45 employees at any one time.
- (B) The restaurant provides a full-service menu, specializing in seafood.
- (C) The restaurant operates from 11:15 A.M. to 12:00 midnight on Sunday, and from 11:15 A.M. to 2:00 A.M., Monday through Saturday.
- (D) The restaurant provides entertainment in the form of piano players on the second floor.
- (E) The restaurant has an ABC license for the on-premise sale of mixed drinks, wine and beer.

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.

The Fish Market now wishes to expand into the second floor of the 109 building and, under current practice, that intensification requires special use permit approval for the entire restaurant operation.

PROPOSAL

The applicant proposes to expand the restaurant into the second floor of the adjacent space at 109 King Street to add a banquet room and kitchen. The applicant states that the restaurant experienced a substantial loss of revenue as a result of Hurricane Isabel and the flooding in 2003. According to the applicant, the establishment of a kitchen on the second floor would in the event of a natural disaster, serve as the main kitchen for the Fish Market. In addition to the new auxiliary kitchen, the applicant is proposing a one hundred seat dining area to be used primarily as a banquet facility for private parties. Other than in periods of a natural disaster or on exceptionally busy evenings such as holidays, major City festivals and events, the applicant does not anticipate that this room will be used in the evenings.

Specific aspects of the entire restaurant, including the grandfathered portion at 105 King Street, the SUP#1820 approved portion at 107 King Street, and the proposed expansion into the second floor of 109 King street are as follows:

Number of

Seats:

The applicant proposes to add a dining room with 100 seats on the second floor of 109 King Street that will be used for banquets, receptions, and special events. When all functions are operational, including both floors of 105 King Street with 184 seats, and 107 King Street with 100 seats, there will be a total of 384 seats, 38 of which are bar seats, and ten of which are seasonal outdoor seats.

Hours:

The applicant initially proposed to maintain the historic hours from 11:15 A.M. to 2:00 A.M. Monday through Saturday and from 11:15 A.M. to 12:00 midnight on Sundays, consistent with SUP#1820, but agreed to staff's recommendation to limit the closing hour to 1:00 A.M., Monday through Saturday, which is consistent with the closing hours of restaurants in the surrounding area.

Entertainment:

The applicant proposes to maintain the historically provided entertainment in the form of piano players but wishes to expand it by including small musical ensembles to perform on an occasional basis.

Alcohol: The applicant currently provides on-premise beer, wine and alcohol service but states that although the restaurant is large and has several bar areas, its alcohol to food ratio is low. No changes are proposed in regards to alcohol service. According to the applicant, the primary use is a restaurant, with drinks served to compliment the food service.

Number of Employees: Currently, up to 40 employees are present at any one time. This number might increase to up to 50 if the proposed banquet room is operational in addition to all other functions.

Trash: The types of trash and garbage generated by the restaurant consist of food wastes, discarded packaging and bottles. The applicant states that the amount of trash and garbage generated during an average day is approximately two standard size dumpsters, which will increase slightly at times when the banquet room is utilized. The restaurant uses the City's commercial dumpster on Union Street, with City pick-up.

Litter: The restaurant will not be of a type that is likely to produce litter; patrons will not leave the restaurant with carry-out items for consumption on the streets. Although the applicant does not expect litter to be generated from its restaurant, the applicant will clean its property and adjacent rights-of-way and property daily before opening, at closing, and at any time during the day that circumstances warrant.

Loading: Loading and unloading is performed in Ramsey Alley, typically twice each day in the morning hours.

PARKING

The subject property is located in the Central Business District where parking is not required for restaurants. However, because of the relatively high increase in seats, staff is concerned about a potential increase in the parking demand. The following paragraphs describe the estimated parking demand and how the applicant intends to alleviate a potential negative impact on the surrounding neighborhood:

Parking demand: Under the zoning ordinance requirement for restaurants outside the CBD, which is one parking space for every four seats, the current 284-seat restaurant would have a requirement of 71 spaces. The applicant points out that although it is requesting 100 additional seats, they are set aside for banquets, receptions, and meetings, and 10 are seasonal for outdoor patio seating. If the banquet and outdoor seats are included, the zoning requirement for a total of 384 seats would be for 96 spaces.

In response to this estimated parking demand for the existing restaurant, the applicant states that the restaurant has historically provided service for patronage of local business, professional, and government people during lunch hours and, for nearby residents during dinner times, many of whom walk to the restaurant. According to the applicant, this portion of the restaurant's clientele reduces the parking demand significantly.

In regards to the proposed addition, the applicant does not anticipate a significant increase in the parking demand as the banquet room will accommodate groups of people for special occasions, many of whom will be brought to Old Town Alexandria via tour busses or taxis.

Provided Parking:

SUP# 1820, which allowed the 100 seat addition of the Fish Market at 107 King Street, required the applicant to provide 12 off-site parking spaces for customers (Condition # 8). According to the applicant, the restaurant leased 14 parking spaces at the adjacent Torpedo Factory garage, and had employees park there. Over the years, restaurant personnel changed and although current staff recall the prior owner stating that the leased spaces were a requirement created by the City, no one can explain why the spaces were allowed to be used for employees and not customers as required. Planning determined that allowing employees to park there was not a violation of Condition #8 because the effect is the same: cars otherwise competing for on-street spaces are parked off-street and using the spaces for employees provides more insurance that the spaces will actually be used.

Today, the applicant provides a different parking arrangement for its employees: The policy manual given to all employees prohibits those who drive to work from parking on the street during their working hours. No employees are allowed to leave the restaurant for the purpose of moving their cars. To facilitate off-street parking in the evening, the restaurant encourages all employees to use the City sponsored parking program for restaurant employees in the parking garage of the Alexandria Court House a few blocks away from the site, where restaurant employees pay \$2.00. The applicant stamps the tickets with a Fish Market stamp to demonstrate to the parking attendant that the parker is a restaurant employee.

The applicant proposes to delete Condition # 8 in lieu of a condition that will require the restaurant to participate in a broader parking program, such as the Park Alexandria Program, while maintaining the employee parking at the Court House's parking garage.

Availability of

Off-Street Parking: At the 100 block of North Union Street, Colonial Parking operates an off-street parking garage with a capacity of 405 vehicles. The garage also has an exit in the 100 block of North Lee Street. The hours of operation of the garage are as follows:

| | |
|---------------------|-----------------------------|
| Sunday | 8:00 a.m. to 12:00 midnight |
| Monday-Thursday | 7:00 a.m. to 3:00 a.m. |
| Friday and Saturday | 8:00 a.m. to 3:00 a.m. |

At the 100 block of South Union Street, Central Parking operates another off-street parking garage with two sites—one on the west side of the street and a smaller section on the east side of the street. The Central Parking Garage has a capacity of approximately 100 vehicles, with 75 being on the west side and 25 on the east side. The hours of operation of the Central Parking facility are as follows:

| | <u>West Facility</u> | <u>East Facility</u> |
|-----------------|-----------------------------|------------------------|
| Sunday | 11:00 a.m. to 8:00 p.m. | 5:00 p.m. to 3:00 a.m. |
| Monday-Thursday | 7:00 a.m. to 12:00 midnight | 5:00 p.m. to 3:00 a.m. |
| Friday | 7:00 a.m. to 3:00 a.m. | 5:00 p.m. to 3:00 a.m. |
| Saturday | 11:00 a.m. to 3:00 a.m. | 5:00 p.m. to 3:00 a.m. |

In addition to the foregoing, four off-street parking facilities are located within a three-block radius of the entrance to the Fish Market. Those facilities are located in the 200 block of South Union Street, the 200 block of The Strand, the 200 block of North Union Street, and the 100 block of North Fairfax Street.

Because of the existing and proposed strategies, the applicant anticipates that the restaurant expansion will not have a heavy impact on parking supply in the evening, weekend, or daytime peak hours.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 (W) of the Zoning Ordinance allows a restaurant in the CD zone only with a special use permit. In this case, a special use permit is required because of the expansion and intensification of the grandfathered rights on the property. 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 supports the special use permit amendment for the Fish Market restaurant at 105-109 King Street. The restaurant is consistent with the guiding principles set forth in the *King Street Retail Study*, currently underway within the Department of Planning and Zoning, as well as with the *Old Town Restaurant Policy*. The Fish Market contributes to an active street life along King Street, generating desirable customer activity for surrounding businesses. This kind of activity is desired by the Retail Study because it supports a healthy and economically viable commercial district. The proposed addition of a banquet and special event space will further this activity by potentially bringing new people to the area, while minimizing the negative impacts, such as parking, because of its occasional nature and different modes of transportation for its patrons.

The intensification of the restaurant use requires special use permit approval for the entire operation and therefore provides the opportunity to place conditions on the operation that will regulate impacts such as noise, litter and hours of operation. As an essential part of the recommended conditions, the applicant agreed to participate in any organized parking subsidy program for customers and employees that is formed as a result of suggested parking strategies in the King Street Retail Study.

Old Town Restaurant Policy

The City's *Old Town Restaurant Policy*, adopted by City Council as part of the City's Master Plan, stipulates criteria to be used in order to determine if a restaurant has a significant impact on a nearby residential neighborhood. Its goals are (1) to lessen the on-street parking impact of restaurants in Old Town and adjacent area, (2) to prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evenings, and (3) to control the spread of litter in Old Town. It also directs City Council to consider the cumulative impact of the restaurant, including the number of already established restaurants, the number of food service and bar seats, and the availability of off-street parking. Finally, it states that in the case of an expansion, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhood. Staff looked at the Fish Market application with the residential neighborhood in mind, and has some concerns about the scope of the proposal, particularly about parking impacts from the proposed number of seats and about the hours of operation. In considering the impacts from this restaurant, staff is also taking into account the fact that an application for the 350-seat Daniel O'Connell's Irish restaurant across the street was approved by City Council on September 21, 2004. As noted above, the approval of the restaurant will bring all portions of the restaurant within the control of SUP regulation and enforcement; 105 King Street will no longer have its grandfathered status.

Number of Seats

Staff has in the past reviewed historic records from the Health Department and Code Enforcement to determine the number of seats in the restaurant in 1983, after which no additional seats could be permitted without special use permit approval. Based on that analysis, and after allocating the correct number of seats to the former restaurant space at 101-103 King Street, staff concluded that

184 seats were legally approved for 105 King Street as of 1983. In 1985, Council approved 100 seats in 107 King Street by special use permit, for a total of 284 legally approved seats, including 38 bar seats. Therefore, should this proposal for 100 additional seats be approved, the restaurant will have a total of 384 seats at 105 through 109 King Street.

The number of seats requested is high, and staff was concerned that by adding 100 seats, the restaurant was adding to the impacts in Old Town, especially with regard to parking (discussed below). In order to assess the impact of increased restaurant seats, staff considered the fact that there have been several reductions in restaurant seats in the lower King Street area over the last ten years. For example, 285 seats from that portion of the Fish Market that occupied 101 and 103 King Street have been removed. In addition, the Seaport Inn, which had included 290 seats, now only includes 184. On the other hand, Council approved an increase of 117 seats at Landini's for a total of 267 seats two years ago and has just approved an increase of 180 seats for the Irish restaurant across the street. The overall result is that there are approximately 100 seats fewer than there were ten years ago. If the proposed addition to the Fish Market (100) is approved, the number of seats on lower King Street will be similar to what has been there historically. Given that the Fish Market's proposal is for 100 banquet seats, and the O'Connell's restaurant includes 65 seats that are banquet and seasonal outdoor seats, the actual number of full time dining seats is significantly lower than what it was ten years ago. Given this historical analysis, staff is recommending that the Fish Market's request for an additional 100 seats be approved.

Hours

The grandfathered portion of the restaurant now remains open on weekend nights until 2:00 A.M. as do other grandfathered restaurants in the immediate area, including the old Alamo restaurant space, the Wharf and the Union Street Public House. When the 100 seats for the space in 107 King Street were added in 1985, Council permitted the closing hours there to be the same as for the main restaurant: 12:00 midnight on Sunday; and 2:00 A.M., Monday through Saturday.

Although in recent years many problems have subsided, there have historically been problems with late night drinking and noise spilling over into the adjacent residential areas that were attributed to the restaurants in the lower King Street area, and the City has spent considerable resources, in the form of police and inspectors, to control the problem. Although several of the remaining grandfathered restaurants are allowed to remain open until 2:00 A.M., in recent years, restaurants have been approved with 12:00 midnight or 1:00 A.M. closing hours to address this concern. The only recent exception was the Old Town Theater, which is allowed to be open to 2:00 A.M. daily, mainly to accommodate late night movies and shows.

In this case, in order to control noise impacts associated with late night drinking in lower King Street and to be consistent with other SUP restaurant closing hours on King Street that are intentionally earlier than 2:00 A.M., staff recommends to retain the Sunday closing hour of 12:00 midnight and to reduce the closing hour to 1:00 A.M., Monday through Saturday. Staff recommended a daily

closing hour of 1:00 A.M. at the recently approved Daniel O'Connell's Irish restaurant. Thus, although a few remaining grandfathered restaurants, such as the Wharf, the Alamo, and Union Street Public House have 2:00 A.M. closing times, with the recent SUP approval for the Irish restaurant, the earlier hours at Landini's (12:30 A.M.) and with Il Porto (12:00 midnight), there will be several restaurants with earlier hours. The proposed 1:00 A.M. closing for both the Fish Market and O'Connell's will create a better balance, limit the potential problem experienced in the past, and set a precedent for the future.

Parking

The issue of parking is essentially one of the availability of parking to meet demand. In this case the question relates to the total number of seats proposed and the steps a business can take to minimize the absolute impact and the impact on street parking in residential areas.

Under the zoning ordinance, parking is not required for restaurants in the Central Business District. Nevertheless, it is an issue in the lower King Street where there is a concentration of restaurants competing for limited parking at similar peak hours. The zoning ordinance requirement for restaurants (one space for every four seats) outside the CBD is one way to gauge parking impacts, and in this case would be 96 spaces, based on a restaurant with 384 seats.

In response to staff's concerns about parking, the applicant stated that it has always drawn a significant number of customers from the immediate area who walk to the restaurant, which would reduce the anticipated demand. The applicant does not now provide or subsidize any parking for customers. It does, however, encourage all employees to use the City sponsored parking program for restaurant employees in the parking garage of the Alexandria Court House a few blocks away from the site, where restaurant employees pay \$2.00. The applicant validates the tickets with a Fish Market stamp to demonstrate to the parking attendant that the parker is a restaurant employee. Furthermore, a policy manual given to all employees prohibits employees who choose to drive to work from parking on the street during their working hours. No employees are allowed to leave the restaurant for the purpose of moving their cars. The applicant has also agreed to encourage employees to use public transportation. Staff has included conditions to that effect in addition to requiring that for banquets and prearranged functions in the banquet room, the applicant must provide information to the guests about the parking garages, including location and rates.

Staff notes that in order to reduce parking impacts in the lower King Street area, the recently approved Daniel O'Connell's Irish restaurant across the street volunteered to reimburse customer parking at a rate of \$1.00 for a meal of at least \$15.00. According to the Fish Market applicant, this form of subsidy is not affordable under the restaurant's business plan. In lieu of such subsidy, the applicant proposes to participate in a different kind of subsidy parking program, such as the Park Alexandria Program and staff has included condition language requiring involvement in that program or providing a similar subsidy. In addition, as part of the King Street Retail Study, staff and the community have been looking at a number of parking strategies and hope to formulate certain

organized programs to assist with both employee and customer parking for businesses, such as a rejuvenated Park Alexandria program. In anticipation of that type of organized business approach, which would be far superior to each restaurant having separate and different conditions, staff has included language in the conditions which would require the applicant to participate when and if such a program is established.

Staff also recommends a one year review to ensure that the proposed parking strategies are implemented and function well.

With the special use permit protections, potential negative elements can be controlled with conditions and, if necessary, enforcement strategies and a one year review. With the recommended 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. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any corporation business or entity in which the applicant has a controlling interest. ~~(P&CD) (SUP#1820) (P&Z)~~
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~100~~ 384 patrons. ~~(P&CD) (SUP#1820) (P&Z)~~
3. **CONDITION DELETED BY STAFF:** ~~No outside dining facilities shall be located on the premises. (P&CD) (SUP#1820)~~
4. **CONDITION AMENDED BY STAFF:** ~~The hours during which the business is open to the public shall be restricted to between 11:15 A.M. and 2:00 A.M., Monday through Saturday and 11:15 A.M. and 12:00 midnight Sunday. The closing hour shall be no later than 12:00 midnight on Sunday, and 1:00 A.M. Monday through Saturday. (P&CD) (SUP#1820) (P&Z)~~
5. That no food, beverages, or other material be stored outside. (P&CD) (SUP#1820)

6. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a dumpster 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&CD) (SUP#1820) (P&Z)
7. Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP#1820)
8. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a minimum of twelve (12) off-street parking spaces in the nearby area to accommodate restaurant patrons after the normal working hours in the evenings. The Director of Planning not to issue the special use permit until satisfactory evidence has been demonstrated that twelve (12) off-street parking spaces in the nearby area will in fact be provided. Alternatively, the applicant shall pay \$5,000 for each required space, with money to be put into a fund to provide additional parking spaces within the Central Business District. (P&CD) (T&ES) (SUP#1820)~~
9. **CONDITION ADDED BY STAFF:** The applicant shall participate in the Park Alexandria Program or an equivalent subsidy program for customers. (P&Z)
10. **CONDITION ADDED BY STAFF:** The applicant shall post signs directing patrons to the availability of parking at a nearby public garage. (P&Z)
11. **CONDITION ADDED BY STAFF:** Prior to a banquet or special event, the applicant shall provide to the guests information regarding the location, hours and fees at area parking garages. (P&Z)
12. **CONDITION ADDED BY STAFF:** The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
13. **CONDITION ADDED BY STAFF:** 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)

14. **CONDITION ADDED BY STAFF:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses, such as the Park Alexandria program, that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z)
15. **CONDITION ADDED BY STAFF:** 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)
16. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
17. **CONDITION ADDED BY STAFF:** 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)
18. **CONDITION ADDED BY STAFF:** Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
19. **CONDITION ADDED BY STAFF:** On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
20. **CONDITION ADDED BY STAFF:** In order to breach the existing fire wall between 107 and 109 King Street, each parcel must be combined and recorded as one single parcel or the parcels shall comply with the fire separation requirements of the USBC and shall be maintained subject to the approval of the Director of Code Enforcement. (Code Enforcement) (P&Z)

21. **CONDITION ADDED BY STAFF:** 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)
22. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
23. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
24. **CONDITION ADDED BY STAFF:** 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)
25. **CONDITION ADDED BY STAFF:** No delivery service shall be permitted. (P&Z)
26. **CONDITION ADDED BY STAFF:** The applicant shall 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)
27. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
28. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, as well as ongoing training for sales of alcohol to minors. (P&Z)

29. **CONDITION ADDED BY STAFF:** 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;
Bettina Irps, 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.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review.

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 noise 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 The properties located at 107 and 109 King Street are separate parcels owned by the same owner. In order to breach the existing fire wall, each parcel must be combined and recorded as one single parcel or the parcels shall comply with the fire separation requirements of the USBC and shall be maintained subject to the approval of the Director of Code Enforcement.
- C-1 The current use is classified as B, Business; the proposed use is A-2, Assembly. 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 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.

- C-3 Should the increased occupant load combined with the existing occupant load within the fire area exceed either 300 persons or 5000 square feet, a full automatic sprinkler system is required within the fire area in accordance with the USBC.(903.2.1.2)
- C-4 An amended 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-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-9 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-10 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 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.
- 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.
- F-1 This facility is currently operating as Fish Market under Alexandria Health permit issued to Old Town Food Service Corp.

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.
- 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 only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

SUP#2004-0072
105, 107 & 109 King Street

Report Attachments
Available in the Planning and Zoning Office