

Docket Item #8  
SPECIAL USE PERMIT #2004-0086

Planning Commission Meeting  
November 4, 2004

**ISSUE:** Consideration of a request for a special use permit to add seats and extend the hours of operation at the existing restaurant.

**APPLICANT:** Firehook of Union Street, Inc., a Virginia Corporation  
by Duncan Blair

**LOCATION:** 105 South Union Street  
Firehook Bakery

**ZONE:** CD/Commercial Downtown

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**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.

**I. DISCUSSION**

REQUEST

The applicant, Firehook of Union Street, Inc., a Virginia Corporation, requests special use permit approval for the expansion of a restaurant located at 105 South Union Street.

SITE DESCRIPTION

The subject property is one lot of record with 26 feet of frontage on South Union Street, 70 feet of depth and a total lot area of 1,820 square feet. The site is developed with a two story commercial building.

BACKGROUND

On September 12, 1998, City Council granted Special Use Permit #98-0101 to the applicant to permit the operation of a restaurant/bakery. Since that time, the bakery was reviewed for minor violations and approved to continue operating.

PROPOSAL

The applicant proposes to add 19 seats to the existing ten, and to extend the hours of operation. After the bakery was flooded last year, it was remodeled and reconfigured in a way that creates more space for patron seating. The hours are proposed to change as follows:

	<u>Existing Hours</u>	<u>Proposed Hours</u>
Sunday-Thursday	7:00 a.m.–7:00 p.m.	6:00 a.m.–10:00 p.m.
Friday-Saturday	7:00 a.m.–9:00 p.m.	6:00 a.m.–11:00 p.m.

PARKING

The bakery is located in the Central Business District where parking is not required for restaurants. Employees are currently required to park off street.

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. 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 increase in seats and hours at Firehook. The bakery is not a destination restaurant, therefore will attract little vehicular traffic. The bakery serves mostly local residents, workers, and others visiting Old Town. The extended hours are reasonable, and earlier than many of the late night hours of restaurants in the surrounding area. Staff finds that the added seats and extended hours will have very little impact on the nearby residential area. Staff maintains the condition that employees must park off the street.

In order for the applicant to implement the requested number of seats, it must comply with Code Enforcement requirements as discussed at the back of this report. Staff included a condition that approval of this permit is contingent upon the applicant complying with all Code requirements.

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #98-0101)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~ten~~ 29 patrons. (P&Z) (~~SUP #98-0101~~)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #98-0101)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0101)
5. **CONDITION AMENDED BY STAFF:** The closing hour shall be no later than 11:00 p.m. daily. (P&Z) ~~The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Sunday through Thursday, and to 7:00 a.m. to 9:00 Friday and Saturday. (P&Z)~~ (~~SUP #98-0101~~)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #98-0101)
7. Alcoholic beverages are not permitted. (P&Z) (SUP #98-0101)

8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #98-0101)
9. 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 #98-0101)
10. 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 #98-0101)
11. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #98-0101)
12. One standard City trash container shall be furnished to the City of Alexandria for installation on the adjacent public right-of-way. (P&Z) (SUP #98-0101)
13. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z) (SUP #98-0101)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #98-0101)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, and smoke and any other air pollution from operations at the site the property and to 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) Health Department. (Health) (SUP #98-0101)
16. The applicant will require its employees who drive to work to use off-street parking. (City Council) (SUP #98-0101)
17. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey of the business and a robbery awareness program for employees. (Police) (SUP #98-0101)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval 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 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 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)

19. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
20. **CONDITION ADDED BY STAFF:** Approval of this special use permit is contingent upon the applicant's compliance with all Code requirements. (P&Z)

STAFF: Eileen Fogarty, Director, Planning and Zoning;  
Valerie Peterson, Urban Planner.

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Staff Note: Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.

#### 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.(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 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 No amplified sounds shall be audible at the property line.(T&ES)

##### Code Enforcement:

- F-1 The applicant is requesting seating for 29 patrons. The current Certificate of Occupancy (OCC2003-00536) limits the maximum occupant load (patrons and staff) to 25 persons with a restriction of 10 seated patrons within the structure and the remaining 15 persons balanced between carry out patrons and staff. The proposed request for 29 patrons cannot be supported under the existing Certificate of Occupancy. The applicant shall request a new Certificate of Occupancy for the requested increase. At the time of application, the applicant shall submit building plans prepared by a licensed architect or licensed engineer which provides existing conditions and construction type data as well as a recent plot plan showing the existing lot lines for the property. In addition, the applicant shall provide plans which show proposed conditions and provide data by the design professional which reflects the support of this request in accordance with the current edition of the Virginia Uniform Statewide Building Code (USBC).

- F-2 The existing restroom facilities cannot support the requested increase in occupant load for this Assembly use group. The applicant shall consult with a licensed engineer or licensed architect to provide a means of meeting this requirement under the USBC.
- C-1 The existing fire prevention code permit shall be modified for the proposed operation to reflect the increase in occupant load upon approval of a new Certificate of Occupancy. A revised egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit revision application.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- F-1 This facility is currently operating as Firehook Bakery & Coffee House under Alexandria Health permit, issued to Firehook of Union, Inc.
- 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 Establishment. 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.

Police Department:

- F-1 The applicant has had the security survey and robbery awareness program completed.
- F-2 The applicant is not applying for an ABC permit. The Police Department concurs with this. If in the future the applicant does apply for an ABC permit the following would apply:

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.