

Docket Item #11
SPECIAL USE PERMIT # 2005-0118

Planning Commission Meeting
January 3, 2006

ISSUE: Consideration of a request for a special use permit to locate a full-service restaurant and bar with live entertainment.

APPLICANT: La Tasca, Inc.
by M. Catharine Puskar, attorney

LOCATION: 605-607 King Street

ZONE: KR/King Street Urban Retail Zone

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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, La Tasca, Inc., requests special use permit approval for the operation of a restaurant located at 605-607 King St.

SITE DESCRIPTION

The subject properties are two lots of record with 62.4 feet of frontage on King Street, 100.6 feet of depth and a total lot area of 5,500 square feet.



SURROUNDING USES

The surrounding area is occupied by a mix of office buildings, restaurants, and retail. Immediately to the north is Eagle Eye Antiques Store. To the south is Red Mei Restaurant. To the east and west respectively are Chipotle Restaurant and King’s Jewelry.

BACKGROUND

On May 13, 1995, City Council granted SUP# 95-0041 for the operation of a full service restaurant and micro-brewery, named Virginia Beverage Company. On December 14, 1996, City Council granted SUP# 96-0172 to increase the number of bar stools and to permit limited live entertainment with extended hours of operation. On March 18, 2003, staff approved administrative SUP # 2003-00001 for a change in ownership from The Virginia Beverage Company to Founders Restaurant and Brewing Company, which currently occupies the space.

PROPOSAL

La Tasca, Inc. plans to renovate the existing Founders Restaurant and Brewing Company to accommodate the new full service restaurant, La Tasca. The proposed restaurant will offer Spanish cuisine and tapas. The specific aspects of the restaurant as proposed by the applicant are as follows:

Hours:	Sunday- Thursday	11:00AM- 12:00 A.M.
	Friday- Saturday, and Holidays	11:00AM- 1:00A.M.

Number of seats: 170

Entertainment: There will be live Spanish music and Flamenco dancing exhibitions, occurring on select nights of the week. Noise levels will comply with City of Alexandria Code requirements.

Alcohol: The applicant proposes on-premises beer, wine, and alcohol service.

Trash/Litter: Typical restaurant trash such as food, paper, cardboard, plastic, and glass, is anticipated. Approximately 3, four- yard containers are generated three times per week. The trash will be collected three times per week. Restaurant staff will monitor the area in front of the premises for litter.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the central business district.

As part of the King Street Retail Strategy, a validated parking program, similar to “Park Alexandria,” should be established in order to encourage the use of garages. The parking validation program involves negotiating agreements with garage operators to accept a subsidy given by King Street restaurants to be used for customer’s valet parking. Both garage operators and restaurants will calculate the amount that has been subsidized and the restaurant will pay the subsidized amount due to garage operators for allowing their customers to park there. At this time, the validated parking program does not exist, however it is anticipated to be operational by December 2007.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the King Street Urban Retail (KR) Zone. Section 6-702 (A) (2) of the Zoning Ordinance allows a restaurant in the King Street Urban Retail (KR) 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.

The King Street Retail Strategy indicates that there is a significant unmet demand for pubs/ bars and an existing over-supply of restaurants that lack bars.

BOARD OF ARCHITECTURAL REVIEW

The applicant has submitted an application with the Board of Architectural Review. The property is located within the Old and Historic Alexandria District and the applicant proposes a new sign. Any exterior changes or alterations to the building, including but not limited to new signage, lighting, or storefront alterations, must be submitted for review and approval of the Old and Historic Alexandria Board of Architectural Review, to ensure visual compatibility compliance with the Historic Preservation Ordinance and Design Guidelines.

II. STAFF ANALYSIS

Staff does not object to the proposed La Tasca Spanish Tapas Bar & Restaurant at 605- 607 King Street. The proposed restaurant is occupying a space that has been a restaurant for several years. The applicant also proposes a new sign, which will be reviewed by the BAR. The number of seats at the proposed restaurant is less than what currently exists at Founders Restaurant. The hours are not proposed to change and are consistent with other King Street restaurants such as What's The Scoop (110 King St.) and Las Tapas Restaurant (710 King Street).

The applicant indicates that music and dancing will be subordinate to the restaurant use and will add to entertainment along King Street. The King Street Retail Strategy indicates that, within the economic overview section of the report, "King Street also lacks a significant base of entertainment venues, which often forms an integral part of a main street retail environment, creates return visitors to the street and provides nighttime activity." Within the applicant's proposal, entertainment would not occur on regularly scheduled nights. The applicant is proposing that the entertainment may start as early as 6:00pm and not conclude past midnight with the exception of New Year's Eve.

In anticipation of a City of Alexandria parking validation program, staff has included language in the conditions section of this report which will require the applicant to participate when and if such a program is established . As indicated within the King Street Retail Strategy, a parking validation program encourages valet parking at Central Business District garages catering to King Street customers. Currently, the program is not in operation, however it is anticipated to be in operation by December 2007.

Staff recommends the standard restaurant conditions, including a condition that the entertainment be subordinate to the restaurant and no cover charge be required. This same condition was approved for the Irish Restaurant at 108 King Street.

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. The hours of operation of the restaurant shall be limited to Sunday- Thursday 11:00 A.M.- 12:00 A.M., Friday- Saturday and Holidays 11:00 A.M.- 1:00 A.M..(P&Z)

3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The applicant shall encourage its employees to use mass transit or to car pool 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 car pooling opportunities. (P&Z)
5. 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, and on how to prevent underage sales of alcohol. (P&Z)
6. 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)
7. 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)
8. When adopted, the applicant shall participate in any City of Alexandria organized parking validation program to assist with customer parking for businesses, such as the Park Alexandria program, that was formed as a result of suggested parking strategies in the King Street Retail Strategy.(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 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)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
12. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-way. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). (T&ES)

13. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
14. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business as well as robbery awareness program for all employees. (Police)
15. 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 has received a request from any person to docket the permit for review, 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;
Richard Josephson, Deputy Director;
James Hunt, 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 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.
- R-4 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-way. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street).
- 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-4 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-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 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-7 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 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:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business.

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- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery Awareness program for all employees.
- F-1 The applicant is seeking an “ABC on” license only. The Police Department has no objections.

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**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**