

Docket Item #5
SPECIAL USE PERMIT #2005-0071

Planning Commission Meeting
September 8, 2005

ISSUE: Consideration of a request for a special use permit amendment to change the hours of operation and to increase seating at a restaurant.

APPLICANT: Yeon S. Son

LOCATION: 212 Queen 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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Yeon S. Son, requests a special use permit amendment to change the hours of operation, allow on-premise beer and wine sales and to increase the number of seats at a restaurant located at 212 Queen Street.

SITE DESCRIPTION

The subject property is one lot of record with 16 feet of frontage on Queen Street, 64 feet of depth and a total lot area of 1,015 square feet. The site is developed with a two-story brick semi-detached building. Access to the property is from Queen Street.



The surrounding area is occupied by a mix of commercial uses. Immediately to the north is a public surface parking lot. To the south is a commercial use (Crilly Warehouse). To the east is Bilbo Baggins restaurant and to the west is an office use.

BACKGROUND

On May 17, 1997, City Council granted Special Use Permit #97-0026 for the operation of a restaurant (coffee shop) with carry-out service located at 212 Queen Street. On February 21, 1998, City Council granted Special Use Permit #97-0181 to expand the existing coffee shop by adding seats and the on-site preparation of sandwiches. On June 26, 2003, a change in ownership was approved to transfer the ownership to Vitalino Roberto DeLeon (Special Use Permit #2003-0046). On June 17, 2005, staff approved Special Use Permit #2005-0053 to change the ownership of the restaurant to the current owner and applicant Yeon S. Son.

On July 15, 2005, 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. During an earlier inspection in June 2005, staff did find signage that had not been approved by the Board of Architectural Review (BAR). Once notified, the applicant removed the signage and applied for and received BAR approval for signage.

PROPOSAL

The applicant proposes to extend hours of operation, increase the number of seats, and serve on-premises beer and wine. The specific aspects of the restaurant are as follows:

- Hours: The hours of operation are proposed to be 7:00 a.m. to 11:00 p.m. seven days a week.
- Seating: The applicant proposes 12 seats.

- Alcohol: The applicant proposes on-premises beer and wine service.
- Noise: The applicant does not expect noise audible from outside of the building.
- Entertainment: No live entertainment is proposed.
- Trash/Litter: Trash will consist of regular restaurant refuse. Trash will be kept behind the building and will be picked up 3 times per week.
- Loading: Loading is expected to occur between 10:00 a.m. and 11:30 a.m. three times a week. No loading space is required.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, a lot within the central business district containing less than 10,000 square feet shall not be subject to parking requirements. As the restaurant is contained within the central business district, no parking is required. However, the applicant leases two spaces within the Torpedo Factory parking garage for employee parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 of the Zoning Ordinance allows a restaurant in the Commercial Downtown 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 supports the addition of on-premises beer and wine sales, extending the hours, and increasing the number of seats of this restaurant on Queen Street. Currently, the six-seat restaurant can operate between 7:00 a.m. to 6:00 p.m. daily. The proposed changes will provide area residents with a dinner carry-out option. The proposed changes are also consistent with the adjacent restaurant, Bilbo Baggins, in its closing hour of 11:00 p.m. and service of alcohol. Staff finds that even with the additional hours, seats, and service of alcohol, this relatively small operation will not negatively impact the nearby residential area.

With the following 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 97-0026)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for a maximum of ~~six~~ 12 customers, ~~which refers to a table with two chairs and four stools.~~ (City Council) (SUP #97-0181) (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)(SUP 97-0026)
4. No live entertainment shall be provided at the restaurant. (P&Z)(SUP 97-0026)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:00 a.m. to ~~6:00 p.m.~~ 11:00 p.m. daily. (P&Z)(SUP 97-0026)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP 97-0026)
7. **CONDITION AMENDED BY STAFF:** ~~Alcoholic beverages are not permitted.~~ (P&Z)(SUP 97-0026) On-premises sale of wine and beer are permitted with appropriate ABC license. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)(SUP 97-0026)
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 97-0026)
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 97-0026)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP 97-0026)

12. **CONDITION AMENDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and ~~no~~ amplified sounds shall be audible at the property line. (P&Z)(SUP-97-0026) (T&ES)
13. **CONDITION AMENDED BY STAFF:** The applicant shall assist and require its employees who drive to use off-street parking. (P&Z)(SUP-97-0026)
14. **CONDITION DELETED:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police)(SUP-97-0026)
15. **CONDITION AMENDED 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, 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)(SUP-97-0026)
16. **CONDITION AMENDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby garages and shall ~~participate in the Park Alexandria program or an equivalent~~ offer a parking subsidy program by in which the regular parking price is discounted by at least \$1. (P&Z) (SUP#2003-0046)
17. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2003-0046)
18. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police) (SUP#2003-0046)
19. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including party of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2005-0053)

20. **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)

21. **CONDITION ADDED BY STAFF:** Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Lorrie Pearson, 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 No amplified sounds shall be audible at the property line.
- R-5 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- 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 proposed increase in occupant load exceeds the approved occupant load of 8 persons. The applicant shall obtain a new Certificate of Occupancy in order to comply with the USBC for the increased occupant load of 16.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- 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 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five 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-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- 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:

- F-1 No comments nor objections.

Police Department:

- F-1 The Police Department has no objections to the change of hours or increased seating.
- F-2 The business previously did not seek an “ABC” permit. It is seeking an “ABC” permit under this SUP. The Police Department reviewed the calls for service for this business from January 1, 2003 – July 8, 2005. There are no calls that would suggest opposing an “ABC” permit. Therefore, the Police Department has the following recommendation:
- R-1 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#2005-0071
212 Queen Street

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