

Docket Item #2
SPECIAL USE PERMIT #2005-0109

Planning Commission Meeting
December 6, 2005

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

APPLICANT: Tea H. Kim

LOCATION: 3676 King Street (Parcel Address: 3680 King Street)

ZONE: CG/Commercial General

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, Tea H. Kim, requests special use permit approval for the operation of a restaurant located at 3676 King Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 825 feet of frontage on King Street, 550 feet of frontage on Marlee Way, 150 feet of frontage on West Braddock Road, and a lot area of 461,287 square feet. The site is developed with the Bradlee Center, a shopping center with approximately 50 retail or restaurant units and a shared parking lot. The proposed restaurant will operate from a space previously occupied by a retail use, in the western wing of the shopping center, situated between the Virginia ABC store and Subway. The tenants space totals 2,400 square feet.



PROPOSAL

The applicant proposes to operate a Japanese restaurant, serving traditional Japanese dishes, including sushi and sashimi. The specific aspects of the restaurant as described by the applicant include the following:

- Hours*: 11:00 a.m. to 10:00 p.m. daily
- No. of seats: 56 seats
- Noise: The applicant does not anticipate high noise levels.
- Trash: Trash will be disposed of in the dumpster located at the back of the space.
- Alcohol: The applicant proposes on-premise beer, wine and mixed drinks.
- Live Ent.: The applicant proposes no live entertainment.
- Delivery: The applicant proposes no delivery service.

*Note: Recommended hours longer than proposed hours. See recommended conditions, Section III.

PARKING

Section 8-200(A)(8) of the Zoning Ordinance requires a restaurant with 56 seats to provide 14 off-street parking spaces. Fourteen parking spaces were required of the previous retail tenant. As those 14 parking spaces will now be available for the restaurant, the parking requirement has been satisfied.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial General zone. Section 4-403(Y) of the Zoning Ordinance permits a restaurant in the CG zone with a special use permit.

The proposed use is consistent with the Fairlington/Bradlee Small Area Plan chapter of the Master Plan which designates the property commercial general.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant at the Bradlee Center. Because the restaurant is in a shopping center, many of the impacts normally associated with a restaurant can be better addressed, including the provision of ample area for vehicular circulation to accommodate loading and trash trucks, and property management to monitor maintenance and upkeep issues at the property. In addition, the restaurant is not located in the immediate proximity of residential uses, thus reducing the potential for negative impacts caused from the restaurant. Staff did not observe any problems with litter or other maintenance problems on the premises.

Although the parking requirement has been satisfied, staff has some reservations as parking adequacy in the Bradlee Center has been questioned in the past. Staff has included a review one year after the restaurant becomes operational to ensure that if there are problems with the operation, additional conditions may be imposed.

Staff recommends longer hours than what the applicant has requested in order to be more consistent with other approved restaurants in the center, and provide some flexibility for the applicant.

With these conditions, staff recommends approval.

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 between 7:00 a.m. and 12:00 midnight. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
6. 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)
7. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
8. 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)
9. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
10. The applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street. (T&ES)

11. 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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
12. 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 and a robbery awareness program for all employees. (Police)
13. 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. 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)
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) (Police)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, 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:

- 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.
- R-4 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.

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 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-4 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-5 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 (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-6 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-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- 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 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 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 is seeking an “ABC On” license only. The Police Department has no objections.
- 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.
- 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.
- R-3 The SUP is to be reviewed after one year.

SUP#2005-0119
3676 King Street

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