

Docket Item #2
SPECIAL USE PERMIT #2006-0013

Planning Commission Meeting
May 4, 2006

ISSUE: Consideration of a request for a special use permit to increase the seating at a restaurant.

APPLICANT: Bread and Chocolate, Inc
by Theodore Manousakis

LOCATION: 611 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, Bread and Chocolate, Inc., requests special use permit approval to increase seating at the restaurant located at 611 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 21.6 feet of frontage on King Street, 166.5 feet of depth and a total lot area of 3,596.4 square feet. The site is developed with a two-story commercial building and is largely surrounded by retail, restaurant and office uses. The Bread and Chocolate restaurant is located on the west side of King's Jewelry. There is one residential building behind the restaurant in the center of the subject block and approximately three residential buildings that face Cameron Street on the opposite side of the block. An alley runs between the restaurant and the nearby residential buildings. The subject restaurant contains 800 square feet of floor area.



BACKGROUND

On October 18, 1980, City Council granted Special Use Permit #1352 for the operation of a restaurant that was described as a bakery. On June 18, 1983, City Council granted Special Use Permit #1352-A for the addition of a wholesale business to the existing retail bakery. The business was approved with 45 seats for patrons of the bakery, which sold a variety of baked goods, including croissants, rolls, Viennese pastry, coffee, tea, chocolate and soft drinks.

On October 19, 2002, City Council granted Special Use Permit #2002-0054 for the intensification of an existing restaurant. The restaurant had previously been approved for 45 seats and at the time was proposing an increase by five seats to a total of 50 seats.

On March 15, 2006, staff visited the subject property to determine if the business was in compliance with the conditions of Special Use Permit #2002-0054. Staff found that the business was in violation of condition #16, which states that the applicant shall direct patrons to the availability of parking at nearby public garages and offer a parking subsidy of at least \$1. Staff issued the business a warning and re-visited the business on March 30, 2006 and found that the business was in compliance with condition #16.

PROPOSAL

The current special use permit application requests approval for 70 seats, which is an additional 20 seats from its currently approved special use permit. No other changes are proposed.

PARKING

Pursuant to Section 8-300 of the Zoning Ordinance, there are no parking requirements for restaurants in the Central Business District. According to condition #16, a parking subsidy of at least \$1 is required for patrons, and condition #15 requires employees to park off-street.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/ King Street Urban Retail zone. Section 6-702(A)(2) of the Zoning Ordinance allows a restaurant and wholesale business in the KR zone only with a special use permit.

The proposed use is consistent with the King Street Retail Strategy chapter of the Master Plan which designates the property for commercial use.

BOARD OF ARCHITECTURAL REVIEW

The subject property is located within the Old and Historic Alexandria District and is under the purview of the Board of Architectural Review (BAR) for any exterior changes visible from the public right-of-way. There does not appear to be any exterior changes to the property visible from the public right-of-way, as part of the application, which would require BAR review. Any future changes, including but not limited to new signage, awnings, or other exterior alterations would require BAR review and approval.

II. STAFF ANALYSIS

Staff has no objection to additional seats for the restaurant use located at 611 King Street, which is part of a recent effort by the restaurant to upgrade its service. The King Street Retail Strategy indicates that by 2008, there will be a warranted demand for additional restaurant space along King Street. Given the success of the Bread and Chocolate restaurant, staff finds that the increased seating will be a positive step in maintaining an active commercial area.

The subject restaurant is, in general, not likely to impact residential uses since it faces King Street and is separated from nearby residential buildings by an alley and one office building. Although originally approved as a bakery, the restaurant has operated as a full-service restaurant since the late 1980's.

The restaurant does not have a parking requirement under the Central Business District section of the Zoning Ordinance, however, the restaurant is required by the Old Town Restaurant Policy to address the need for off-street parking. The business serves a combination of local workers,

residents, and tourists who walk to the restaurant from nearby shops and hotels. Staff maintains condition #16 requiring \$1 subsidy for patrons who use area garages. In addition, staff recommends that the applicant participate in any parking program that is formed as a result of the King Street Retail Strategy. The King Street Retail Strategy encourages a number of strategies to address both employee and patron issues including parking subsidies and valet parking. Currently, the program is not in operation, however it is anticipated to be in operation by December 2007.

Parking Management along King Street is a complex issue that affects every business. To alleviate on-street parking and encourage transit use, T&ES is recommending a new condition for all new SUPs on King Street that the applicant provide transit subsidies for employees. While this approach may encourage transit use, it also creates a potentially heavy burden on an individual business owner. The King Street Retail Strategy identifies a number of strategies to consider to improve parking management on King Street as part of a coordinated and comprehensive plan. Until the issues of parking are addressed comprehensively, staff finds that the existing standard conditions are sufficient for individual businesses that require special use permits, particularly this and another small restaurant currently being considered. These standard conditions include: posting information for employees about transit opportunities, and requiring employees that drive to park off the street. The feasibility and effectiveness of transit subsidies could be explored as part of a comprehensive parking management plan as recommended in the King Street Retail Strategy.

Staff has included a condition requiring a review of the restaurant one year after this approval so if there are any problems with its operation, additional conditions may be imposed. With the proposed conditions, staff recommends approval of the subject application.

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 other business or entity in which the applicant has a controlling interest. (P&Z)(SUP2002-0054)
2. The applicant shall install an automatic sprinkler system. (Fire) (SUP #1352)
3. **CONDITION AMENDED BY STAFF:** The seating capacity be limited to ~~50~~ 70 indoor seats, as requested by the applicant. (P&Z)(T&ES)(SUP2002-0054)
4. 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)(SUP2002-0054)

5. Condition deleted. (SUP 2002-0054)
6. Trash and garbage shall be place in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)(SUP2002-0054)
7. Live entertainment shall be limited to two acoustic, non-amplified performances by one musician, generally a guitarist or violinist, per week. 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. Live entertainment shall be limited to inside the restaurant and is not permitted outside. (P&Z)(SUP2002-0054)
8. No motor vehicle delivery service is permitted. (P&Z)(SUP2002-0054)
9. On-site beer and wine service is permitted; no off-premise alcohol sales are permitted. (P&Z)(SUP2002-0054)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP2002-0054)
11. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. daily. (P&Z)(SUP2002-0054)
12. No food, beverages, or other material shall be stored outside. (P&Z)(SUP2002-0054)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)(SUP2002-0054)
14. No amplified sound shall be audible at the property line. (T&ES)(SUP2002-0054)
15. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)(SUP2002-0054)
16. **CONDITION AMENDED BY STAFF:** ~~The applicant shall direct patrons to the availability of parking at nearby public garages, and shall participate in the Park Alexandria program or an equivalent a parking subsidy program by which the regular parking price is discounted by at least \$1. (P&Z)~~ maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted

by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant. (P&Z)

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. (P&Z)(SUP2002-0054)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (P&Z) (Police)
19. **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, (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.~~ 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 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)(SUP2002-0054)
20. **CONDITION ADDED BY STAFF:** 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)
21. **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)

22. **CONDITION ADDED BY STAFF:** 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 within 60 days of City Council approval. (T&ES)

23. **CONDITION ADDED BY STAFF:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study, at least to the extent already required by this SUP with regard to employee and customer parking. (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 None of the additional seats shall be permitted to go outside.
- R-2 The applicant shall provide for transit subsidies to employees.
Staff did not include this recommendation as a condition of the SUP. (See Analysis Section)
- R-3 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 within 60 days of City Council approval.

Code Enforcement:

- F-1 The current approved occupant load is 49 persons. The proposed increase in occupant load requires a new Certificate of Occupancy. The applicant shall obtain a new Certificate of Occupancy prior to providing any additional seating.
- C-1 A revised fire prevention code permit is required for the proposed increase in operation.
- C-2 Sufficient toilet rooms must be provided to accommodate the total occupancy load for restaurant staff and the patron seating capacity.

Health Department:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the increased seating.

SUP#2006-0013
611 King Street

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