

Docket Item #8
SPECIAL USE PERMIT # 2006-0017

Planning Commission Meeting
May 4, 2006

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

APPLICANT: Jeong Soo Lee/Deok Kun Lee

LOCATION: 1110 King Street

ZONE: KR/ King Street Retail

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, Jeong Soo Lee and Deok Kun Lee, requests special use permit approval for the operation of a restaurant located at 1110 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 15 feet of frontage on King Street, 100 feet of depth and a total lot area of 1,500 square feet. The property is developed with a two-story, semi-detached, row house. The building has been vacant for a number of years.



SURROUNDING USES

The surrounding area is a mix of mostly commercial and office uses. Le Gaulois restaurant is located immediately to the east. The rear of the property is bordered by an alley. Residential uses are located to the south of the property. Also in this block of King Street are Tiffany Tavern, Bistro Lafayette, and Vermillion restaurants.

PROPOSAL

The applicant has previously operated Fairfax Deli, located at 635 South Fairfax Street from June, 1997 until March, 2006. The applicant proposes to operate a full service deli and carry out restaurant specializing in breakfast and lunch food on the first and second floors of the building. The applicant proposes that all employees will use public transportation to get to the business. The applicant describes the restaurant's operation as the following:

Hours:	Monday through Friday 6am - 10pm Friday and Saturday 6am - 10pm
Number of patrons:	100 per day
Seating:	24 seats on the first floor and 32 on the second floor
Trash/Litter:	The applicant proposes to produce 12 bags per week, and collected twice per week. Trash containers are located in the rear of the property.

Noise: The applicant proposes no live entertainment, and does not expect much noise from the restaurant.

Alcohol: The applicant proposes to sell on-premise only beer and wine during dinner hours.

PARKING

Pursuant to Section 8-300 of the Zoning Ordinance, there are no parking requirements for restaurants in the Central Business District. To the rear of the building, there are two parking spaces that the applicant has indicated will be used by employees only.

ZONING/MASTER PLAN DESIGNATION

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

The proposed use is consistent with the King Street Retail Strategy, which indicates an increased demand for restaurants along King Street.

BACKGROUND

On April 17, 2004, City Council approved SUP#2004-0010 for a 44 seat restaurant in this building. That applicant did not pursue opening and the special use permit expired.

BOARD OF ARCHITECTURAL REVIEW

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 supports the proposed restaurant at 1110 King Street. The restaurant will make active a building that has been vacant for several months, contributing to the vitality of King Street. The proposed restaurant will contribute to the increased vitality of King Street. The use will add to the mix of restaurant opportunities in the area. No live entertainment, which could create conflicts with nearby residential uses, is being proposed. The restaurant will give the long time operators of Fairfax Deli a location to continue their business.

The King Street Retail Strategy indicates that there should not be an over-concentration of “quick-service” restaurants along the King Street corridor. Given that there are no other “quick-service” restaurants along the 1100 block of King Street, this “quick-service” restaurant will contribute to the mix of restaurants in the area.

Although parking is not required for restaurants in the Central Business District, staff is concerned generally about the increase of parking demand in the area, which will continue as more development occurs and vacant buildings are occupied. To encourage use of area parking garages, staff has included a condition requiring the applicant to provide a parking discount of at least \$1 for patrons who use those garages (see condition #13). Finally, staff recommends that all employees must park off the street. These conditions are similar to those imposed on other restaurants within the King Street Urban Retail zone.

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.

Regarding hours of operation, staff recommends allowing longer hours to be consistent with other restaurants in the area and to provide flexibility to the applicant.

Staff also recommends the standard restaurant conditions, including a one-year review to ensure that no issues arise.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 6am- 11pm daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

4. The seating capacity shall be limited to 56 seats. (P&Z)
5. No live entertainment shall be provided at the restaurant. (P&Z)
6. On site alcohol service is permitted; no off premise alcohol sales are permitted. (P&Z)
7. No food, beverages, or other materials shall be stored outside. (P&Z)
8. 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 unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. 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)
10. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
11. 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)
12. The applicant shall 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) (T&ES)
13. 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)
14. 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)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

16. The applicant shall control 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 and Environmental Services. (T&ES)
17. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
18. 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)
19. 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. (Police)
20. 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)

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 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.
- R-2 The applicant shall control 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 and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-4 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-5 The applicant shall ensure that all employees who use the metro system be provided with subsidized bus and rail fare media as indicated in the supplemental information sheet.
Staff did not include this recommendation as a condition of the SUP. (See Analysis Section)

Code Enforcement:

- F-1 The building is currently registered under the City of Alexandria's Vacant Building Registration program. Prior to opening, the applicant shall coordinate with the property owner and the Code Enforcement Bureau's Fire Prevention Section to remove the property from this program.
- F-2 The following permits from Code Enforcement are outstanding and must be resolved prior to opening the proposed business:
BLD2004-02283, ELE2005-00106, FPS2005-00072, FPS2005-00676, FPS2005-00695, MEC2004-02070, MEC2004-02070, MEC2005-01358, PLM2005-00903.

The applicant shall coordinate with the property owner and the Code Enforcement Bureau's New Construction Section to remove the property from this program.

- F-3 The property has been issued the following Code Modifications from the Director of Code Enforcement: MOD2004-00068, MOD2004-00069, MOD2004-00124.

These modifications shall remain in effect unless plan revisions are submitted to the Director of Code Enforcement which demonstrate the approved Code Modifications are no longer applicable.

- C-1 The current use is classified as M-Mercantile; the proposed use is A - Assembly, M-Mercantile. 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-2 An automatic fire suppression system is required (USBC 903.2.1.3).
- C-3 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four 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-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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Tittle 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Proved 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.

- F-1 Since the applicant is not new but only moving the business, a robbery readiness program for all employees is not needed unless requested by the owner. Should the owner desire a robbery readiness presentation, they are to contact the Community Relations Unit of the Police Department at 703-838-4520 and make the request.
- F-2 The applicant is not seeking an “ABC Permit” and the Police Department concurs.

Board of Architectural Review

- F-1 1110 King Street is one of a pair of semi-detached rowhouses. It is a two story, two bay Second Empire style building with ornate stamped brick work and was originally constructed in the late 19th century as a residence. It is currently vacant. Though in neglected condition, the building retains a high degree of architectural integrity.
- F-2 1110 King Street is located within the Old and Historic Alexandria District. Any exterior alteration to the building will require the approval of a Certificate of Appropriateness from the Board of Architectural Review (BAR). Items of work that may be anticipated and which would require BAR review include: installation of signage, exterior lighting, HVAC systems, alterations to the doors, windows, and stoop. This list is not inclusive and the applicant is advised to meet with BAR staff as soon as possible to ensure that all requirements are met in a timely fashion.

SUP#2006-0017
1110 King Street

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